

SENATE.

THURSDAY, March 27, 1924.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we bless Thee for every evidence of Thy remembrance of our needs, for Thy care over us. So enable us to understand our dependence upon Thee that whatever we undertake we shall undertake for Thy glory as well as for the good of our loved country. Be very near to us in every deliberation. Guide our thoughts, influence our conduct, and so help us always to walk in paths of Thine own direction, to the glory of Thy great name. We ask in Jesus' name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, March 24, 1924, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. HATHGAM, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 655) to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ZIEGLER, Mr. LAMPERT, and Mr. BLANTON were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 214) for the relief of The Old National Bank of Martinsburg, Martinsburg, W. Va., and it was thereupon signed by the President pro tempore.

CONDITION OF RAILROAD EQUIPMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Chairman of the Interstate Commerce Commission, transmitting, in compliance with the provisions of Senate Resolution 438, agreed to February 26, 1923, a report for the month of February, 1924, showing the condition of railroad equipment and related information, which was referred to the Committee on Interstate Commerce.

FRED A. GOSNELL AND ESTATE OF RICHARD C. LAPPIN.

The PRESIDENT pro tempore laid before the Senate a communication from the Assistant Secretary of Commerce, transmitting draft of a proposed bill for the relief of Fred A. Gosnell, former disbursing clerk, Bureau of the Census, and the estate of Richard C. Lappin, former supervisor of the fourteenth decennial census for the Territory of Hawaii, and special disbursing agent, in the settlement of certain accounts, which the department recommends be enacted into law, which, with the accompanying papers, was referred to the Committee on Claims.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Secretary of Labor, transmitting, pursuant to law, a schedule of miscellaneous papers of the Bureaus of Labor Statistics, Immigration, and Naturalization not needed in the conduct of business and having no permanent value or historic interest, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The President pro tempore appointed Mr. BORAH and Mr. JONES of New Mexico members of the committee on the part of the Senate, and ordered that the Secretary notify the House of Representatives thereof.

DEFICIENCY BILL—CONFERENCE REPORT.

Mr. WARREN. I submit a conference report on the first deficiency appropriation bill, H. R. 7449, and move that the Senate agree to the report.

The PRESIDENT pro tempore. The report will be read before the request for present consideration is submitted to the Senate.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7449) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes,

having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 15, 18, 23, 36, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 12, 13, 16, 17, 19, 20, 24, 25, 26, 27, 28, 30, 31, 32, 34, 35, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52; and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For payment of expenses incurred by the Sergeant at Arms on account of attendance of the committee of Senators at the funeral of the late President Warren G. Harding, \$5,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"PUBLIC BUILDINGS COMMISSION.

"For expenses of the Public Buildings Commission, \$10,000, to remain available until expended."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment after the sum "\$70,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That the headstones furnished hereunder shall be of such design and material as may be agreed upon by the Secretary of War and the American Battle Monuments Commission"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 22, 29, and 33.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,

Managers on the part of the Senate.

MARTIN B. MADDEN,
D. R. ANTHONY,
JOSEPH W. BYRNS,

Managers on the part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the conference report?

Mr. ROBINSON. I do not object to the present consideration of the report, but I suggest to the Senator in charge of it that the reading of the report by the clerk does not give the Senate any comprehension of what the agreement is. If a statement accompanies the report that statement should be read. If not, I think the Senator from Wyoming himself should explain the principal points of difference and the agreements that have been reached. Is it a complete agreement?

Mr. WARREN. It is a complete agreement as to all but two items that have to go back to the House. They are unimportant items, but they rather trench upon the House rules and therefore have to be acted on by the House. There is an agreement so far as the conferees are concerned, and that is why I ask to have the report agreed to, so that the papers may go back to the House for action there.

Mr. ROBINSON. I make no objection to the present consideration of the report.

Mr. WARREN. I will say to the Senator that there were very few items put in upon the Senate side which were not agreed to. It is a rather remarkable report in that respect, in that the House has agreed to nearly all of the Senate amendments. We were compelled to yield one matter of legislation which was of considerable size so far as words are concerned, but which I take it will be cared for otherwise in a bill which the Senator from Washington [Mr. JONES] has in charge.

Mr. ROBINSON. What was that matter?

Mr. WARREN. It related to the Coast Guard.

Mr. ROBINSON. That passed yesterday in a separate bill, did it not?

Mr. WARREN. Yes; and so it went out of the deficiency appropriation bill. If there are any items that any Senator is interested in I could immediately inform him about them, but there are numerous small items on the part of the Senate for current expenses, gratuities, and so forth, which the House always leaves out, expecting us to put them in the deficiency bill when it reaches the Senate.

Mr. ROBINSON. I have no further inquiry to submit.

The PRESIDENT pro tempore. Is there objection to the present consideration of the report? The Chair hears none. The question is on agreeing to the conference report.

The report was agreed to.

DISTRICT GASOLINE TAX.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 655) to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES of Washington. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BALL, Mr. JONES of Washington, and Mr. KING conferees on the part of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore laid before the Senate resolutions of Richard J. Harden Camp, No. 2, United Spanish War Veterans, Department of the District of Columbia, favoring the passage of the so-called Bursum bill (S. 5) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows, which were ordered to lie on the table.

He also laid before the Senate a statement in the nature of a memorial of sundry business and professional men of Boston, Mass., and vicinity, remonstrating against the administration of affairs in Ireland and praying for the immediate release of Eamon de Valera and other political prisoners under confinement, etc., which was referred to the Committee on Foreign Relations.

He also laid before the Senate a communication from George M. Napier, attorney general of Georgia and secretary of the conference of attorneys general, transmitting a statement of the executive committee of the conference of attorneys general on gasoline prices and other petroleum products, etc., which was referred to the Committee on Manufactures.

He also laid before the Senate a statement signed by Mary Haaheo Atcherley, president of the Kaakaukui Improvement Club, of the Hawaiian village, Kaakaukui Beach, Hawaii, relative to the occupancy of certain lands in the Territory and an amendment to the Hawaiian commission act of 1920, which, with the accompanying papers, was referred to the Committee on Territories and Insular Possessions.

Mr. KEYES presented a petition of sundry citizens of Belknap County, N. H., praying for the passage of legislation to repeal or reduce the so-called nuisance and war taxes, especially the tax on industrial alcohol, which was referred to the Committee on Finance.

Mr. CAPPER presented a telegram in the nature of a petition from a committee representing six parent-teacher associations, of Eldorado, Kans., praying for the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented memorials of sundry members of the Woman's Christian Temperance Union of Glasco; of members and friends of the Christian Church of Bluff City; of the congregation of the Methodist Episcopal Church of Bluff City; of the Woman's Christian Temperance Union of Downs; and of sundry citizens of Great Bend, all in the State of Kansas, remonstrating against making any amendment to the Federal prohibition act so as to legalize 2.75 per cent beer, which were referred to the Committee on the Judiciary.

He also presented a paper and a telegram in the nature of petitions from sundry citizens of Stafford County and Lawrence, Kans., praying for the passage of legislation restricting immigration with quotas based on the census of 1890, which were referred to the Committee on Immigration.

Mr. CURTIS presented a resolution adopted by the Farmers' Equity Union and the directors of the Equity Union Grain Co., a nonpool farmers' cooperative marketing association, of Kan-

sas, protesting against the passage of the so-called McNary-Haugen bill, providing aid to agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Hiawatha Chamber of Commerce, of Hiawatha, Kans., favoring the passage of legislation restricting immigration with quotas based on the census of 1890, which was referred to the Committee on Immigration.

He also presented petitions, numerous signed, of sundry citizens of Havensville and Somerset, in the State of Kansas, praying for the passage of legislation restricting immigration with quotas based on the census of 1890, which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Washington, D. C., and vicinity, praying an amendment to the Constitution granting equal rights to women, which was referred to the Committee on the Judiciary.

INTEREST OF ARIZONA IN THE COLORADO RIVER.

Mr. CAMERON. Mr. President, I present a telegram from Governor Hunt, of Arizona, relative to the so-called Colorado River compact, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

[Western Union telegram.]

PHOENIX, ARIZ., March 20, 1924.

Senator RALPH H. CAMERON,
Washington, D. C.:

In hearings before the Committee on Arid Lands in the House of Representatives, California lobbyists and representatives as well as power-trust officials seem to consider Arizona's interests in the Colorado River as unworthy of consideration. Secretary of the Interior Hubert Work, of Colorado, in his report to Congress urging nationalization of the Colorado River utilizes his position to further the aims of Colorado. The people of Arizona are patient, long-suffering, and tolerant, but are becoming weary of the imperialistic designs of some neighboring States. This State comprises 42 per cent of the drainage area of the Colorado River basin. Eighty per cent of all the power developed in the Colorado River below Lee Ferry must be wholly developed within Arizona and the balance between Arizona and Nevada. California contributes only 6,000 square miles to the drainage area of the Colorado River and undertakes to claim majority portion of its benefits. Sixty-one per cent of the total area of this State is held by the Federal Government either in forest reserves, Indian reservations, or national parks. Proposal of Secretary Work, of Colorado, and California officials to nationalize the river as proposed in the Swing-Johnson bill is insulting. Arizona will not ratify the Colorado River compact as it is a proposal wholly unfair and unjust to this State. The people of Arizona who hope to see the River developed and who are opposed to the compact have been opposing it in a manner to create as little bitterness as possible. We are just beginning to fight the compact and desire as little friction between the States as is possible when the compact is dead. Attitude of Colorado, Secretary of the Department of Interior, and California representatives will not be helpful to future negotiations.

GEO. W. P. HUNT, Governor.

REPORTS OF COMMITTEES.

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 368) for the relief of Nelly McCanna, residuary legatee and devisee under last will and testament of P. F. McCanna, deceased (Rep. No. 307);

A bill (H. R. 5799) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Seminole Indians may have against the United States, and for other purposes (Rept. No. 309); and

A bill (H. R. 6483) amending an act entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," approved June 28, 1906, and acts amendatory thereof and supplemental thereto (Rept. No. 310).

Mr. HARRELD also, from the Committee on Indian Affairs, to which was referred the bill (S. 1707) appropriating money to purchase lands for the Clallam Tribe of Indians in the State of Washington, and for other purposes, reported it with an amendment and submitted a report (No. 308) thereon.

Mr. SMITH, from the Committee on Interstate Commerce, to which was referred the bill (S. 2930) reaffirming the use of the ether for radio communication or otherwise to be the inalienable possession of the people of the United States and their Government, and for other purposes, reported it without amendment and submitted a report (No. 311) thereon.

Mr. COLT. I report back favorably with amendments from the Committee on Immigration the bill (S. 2576) to limit the

immigration of aliens into the United States, and for other purposes.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. COLT. I desire to give notice that at the earliest practicable time I shall ask for the consideration of the bill.

ENROLLED BILL PRESENTED.

Mr. WATSON, from the Committee on Enrolled Bills, reported that on yesterday there was presented to the President of the United States the enrolled bill (S. 2113) authorizing the Director of the Census to collect and publish statistics of cotton.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Minnesota:

A bill (S. 2944) granting a pension to Isabel J. Rogers; and

A bill (S. 2945) granting an increase of pension to Mary Griffith; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 2946) granting a pension to John W. Brown (with accompanying papers); and

A bill (S. 2947) granting a pension to Sallie Moseley (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 2948) granting a pension to Carolyn P. Sherman (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 2949) authorizing the Secretary of War to sell a portion of the Carlisle Barracks Reservation; and

A bill (S. 2950) to define and determine the character of the service represented by the honorable discharge issued to John McNickle of Company L, Seventh Regiment New York Volunteer Heavy Artillery, under date of September 27, 1865; to the Committee on Military Affairs.

By Mr. DILL:

A bill (S. 2951) to amend section 15a of the interstate commerce act, as amended; to the Committee on Interstate Commerce.

By Mr. LODGE:

A bill (S. 2952) for the relief of Fannie C. Marden; to the Committee on Claims.

By Mr. DILL:

A bill (S. 2953) to provide for handling and rate of pay for storage of closed-pouch mail on express and baggage cars; to the Committee on Interstate Commerce.

PROPOSED INTERNATIONAL CONFERENCE.

Mr. BORAH. I submit a resolution, which I ask to have read and lie on the table.

The resolution (S. Res. 196) was read and ordered to lie on the table, as follows:

Resolved, That the President is authorized and requested to invite such governments as he may deem necessary or expedient to send representatives to a conference, which shall be charged with the duty of considering the economic problems now obtaining throughout the world with a view of arriving at such adjustments or settlements as may seem essential to the restoration of trade and to the establishment of sound financial and business conditions, and also to consider the subject of further limitation of armaments with a view of reaching an understanding or agreement upon said matter, both by land and by sea, and particularly relative to limiting the construction of all types and sizes of subsurface and surface craft of 10,000 tons standard displacement, or less, and of aircraft.

ESTABLISHMENT OF RADIO IN CAPITOL BUILDING.

Mr. HOWELL. Mr. President, I submit a resolution and request unanimous consent for its immediate consideration. It merely asks for a report for information.

The resolution (S. Res. 197) was read, as follows:

Resolved, That the Secretary of War and the Secretary of the Navy be, and are hereby, directed to cooperate in the appointment of a joint commission of radio experts from the War and Navy Departments to investigate and report to the Senate upon the following problems, to wit:

1. The equipment of the Senate Chamber with electrical transmission and receiving apparatus such that, without defacing the Senate Chamber, each Senator at his desk may individually and clearly hear, without the use of a head receiver, the proceedings of the Senate at all times in whatever tone of voice conducted.

2. The additional equipment necessary for the broadcasting by radio of the proceedings of the Senate and the House of Representatives throughout the country, utilizing the radio stations of the War and Navy Departments.

The report of said commission to include the estimated cost of installation, maintenance, and operation of the proposed systems suggested in paragraphs 1 and 2 hereof; be it further

Resolved, That such commission also be requested to recommend a limited area of the country that for experimental purposes be initially afforded such broadcasting of the proceedings of Congress to the end of determining the advisability of extending such service to cover the entire country; such report to include the cost of such experimental installation together with the expense of maintenance and operation thereof.

Mr. HARRISON. Mr. President, will not the Senator amend his resolution by providing that a radio outfit shall also be placed in the Attorney General's office as well as the White House, so that we can hear what is going on down there?

Mr. CURTIS. I think the resolution had better go over.

The PRESIDENT pro tempore. Objection is made, and the resolution will go over under the rule.

Mr. KING. Before it goes over, may I inquire of the Senator from Nebraska if it would not be a good idea to amend his resolution—and I suggest it in perfect good faith—to have the commission inquire into the statement which is constantly made that the Radio Corporation of America is a trust and a monopoly and is doing everything possible to destroy any competition in the great field of radio activity, which is so important? I make that suggestion. Of course the resolution goes over for a day, but if the Senator thinks the suggestion a pertinent one I should be glad if he would amend his resolution in that respect.

Mr. HOWELL. I think that the inquiry suggested is pertinent at this time. However, I would suggest that it be provided for in the form of a separate resolution. The purpose of the resolution which I have submitted is to give information that the Senate may be able to determine upon the cost and feasibility of broadcasting the proceedings of Congress. It is something that will be done in the very near future, and it is something that ought to be considered at as early a date as possible. Therefore it is my notion that a question so important in itself should be treated separately, and that the inquiry suggested by the Senator from Utah should be provided for in a separate resolution.

Mr. LODGE. Mr. President, I think this is a matter which concerns the Capitol Building itself. The establishment of radio equipment throughout this Chamber would involve alterations in the building. I believe the resolution ought to be referred to the Committee on Rules, which has charge and care of the building. I do not wish to prevent the resolution from lying on the table for the present, if the Senator so desires, but I enter a motion to refer it to the Committee on Rules.

Mr. DIAL. Mr. President, we sit here twice too long now. If we put in a radio equipment, I fear we never would stop talking, and we would probably be in continuous session.

Mr. HOWELL. Mr. President, this resolution merely asks for information. It does not commit the Senate to any particular course of action. Without any expense whatever, the information requested can be afforded the Senate. Then it will be for Congress to determine whether or not it wishes to take any steps in this direction. It seems to me that the greater amount of information we can have along these lines the greater the advantage will be, not merely to Congress but to the public. Therefore I suggest that the resolution should not be referred to a committee but should lie on the table and be taken up in due time.

Mr. HEFLIN. Mr. President, I do not know but that it would be a good plan to arrange so that the people of the country could hear what is going on here. I think it would cause a good many Senators who now do not stay here to remain in their seats in order to hear questions discussed. Just one speech over the radio, calling Senators by name and asking why they failed to attend the sessions of the Senate would bring them speedily into their places in this Chamber.

I am going to give consideration to this matter. It might be a very good plan. We do not have enough CONGRESSIONAL RECORDS to furnish sufficient information as to exactly what happens here. It is impossible for the newspapers to carry in full all that is said here each day.

If we had this proposed radio arrangement by which the people all over the country could "listen in," it would enable us to get action here. The people would hear discussions, would form their own conclusions, and sit down and write or wire their Members just how they had been impressed by the discussion here. As a means of inducing more Republicans to attend the sessions of the Senate, I think it would be a good thing to be able to let the people back home know day by day just what Senators are here attending to their duties.

SELINA E. MARYMAN.

Mr. LODGE submitted the following resolution (S. Res. 198), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Selina E. Maryman, widow of Samuel A. Maryman, late a conductor of elevator in the Capitol, Senate wing, one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ASSESSED VALUATION OF RAILROADS.

Mr. DILL. I submit a resolution, which I ask may be read and lie over.

The resolution (S. Res. 199) was read and ordered to lie over under the rule, as follows:

Resolved, That the Interstate Commerce Commission be, and hereby is, directed to ascertain from the proper authorities of each State of the United States the assessed valuation, on a 100 per cent basis of valuation, as used for taxation purposes, of all of the property of each of the railroads of the United States acting as common carriers, whether used for the purposes of common carriers or not, which are under the control of the Interstate Commerce Commission, and report the said valuations used for taxation purposes to the Senate of the United States: *Provided*, That said report shall show, first, the total valuations for taxation purposes on a 100 per cent basis of the property of each railroad company or system, separate and apart from other railroads, and, second, the total of such valuations of all railroad properties by States, and, third, the total of such valuations for the whole United States.

THE CALENDAR.

The PRESIDENT pro tempore. Morning business is closed. Mr. CURTIS. I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII, only unobjected bills to be considered.

Mr. SMITH. May I ask the Senator from Kansas where he proposes that the consideration of the calendar shall begin?

Mr. CURTIS. I think we might as well begin at the beginning of the calendar. There were only about four or five bills which had been called at its last consideration.

Mr. SMITH. The reason I asked the question was there had been a bill reported from the Committee on Interstate Commerce looking toward providing for an amendment of the law in reference to the settlement of claims. The bill has been unanimously reported, and covers a matter which ought to be expedited, because a great many claimants have been debarred from establishing their claims or going through the necessary processes for establishing them.

Mr. CURTIS. I suggest that we go on with the calendar until about 5 or 10 minutes to 2 o'clock, and then the Senator may ask unanimous consent to call up his bill for consideration.

The PRESIDENT pro tempore. The consideration of the calendar is the regular order.

Mr. CURTIS. I have asked that only unobjected bills be considered.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that the Senate proceed to the consideration of the calendar from the beginning and that unobjected cases only be considered. Is there objection? The Chair hears none.

ESTATE OF ELY N. SONNENSTRAHL.

The bill (S. 1330) for the relief of the estate of Ely N. Sonnenstrahl, deceased, was announced as first in order.

Mr. KING. Mr. President, I should like the Senator from New York [Mr. COPELAND], who, I see, introduced this bill, give an explanation of it.

Mr. COPELAND. Mr. President, this bill was passed through the Senate last year, but did not get through the other House. The Committee on Claims has examined it very carefully and has recommended its passage. I hope that the recommendation of the committee may be accepted and that the bill may be passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the claim of Nina L. Sonnenstrahl, as executrix of the estate of Ely N. Sonnenstrahl, deceased, late of Brooklyn, N. Y., for such further sum as the said estate may be entitled to recover as added to the amount the said Ely N. Sonnenstrahl has already received for certain beans commandeered by the Navy Department at San Francisco, Calif., on or about February, 1918, may be sued for and submitted to the United States District Court in and for

the Eastern District of New York, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for such amount and costs, if any, as shall be found to be due against the United States in favor of said estate of Ely N. Sonnenstrahl, deceased, upon the same principles and measures of liability as in like cases under section 10 of the Lever Act, and with the same rights of appeal: *Provided*, That suit shall be brought and commenced within four months from the date of the passage of this act.

Mr. KING. Let the report on the bill be read, so that we may be advised as to it.

The PRESIDENT pro tempore. The Secretary will read the report.

A. W. MELLON, SECRETARY OF THE TREASURY.

Mr. McKELLAR. Mr. President, before the report is read, I have a short statement which I wish to make at this time.

Mr. McKELLAR proceeded to address the Senate and spoke for five minutes.

The PRESIDENT pro tempore. The time of the Senator from Tennessee has expired.

Mr. McKELLAR. I ask unanimous consent to be permitted to finish the statement which I wish to make. It is very short.

The PRESIDENT pro tempore. Is there objection?

Mr. WADSWORTH. I object.

Mr. McKELLAR. I will continue the statement on a subsequent bill.

[Mr. McKELLAR's speech appears entire on page 5058.]

ESTATE OF ELY N. SONNENSTRAHL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1330) for the relief of the estate of Ely N. Sonnenstrahl.

Mr. COPELAND. Mr. President, the explanation of the bill now before the Senate is that Sonnenstrahl owned some beans, which he offered to the Navy Department at cost during the war. The Navy Department refused to take them, but later commandeered the beans. When the check in payment was sent Sonnenstrahl refused to take the check and protested that the amount was not right. There was, however, a telegram sent to him by the commandant at Mare Island advising him to accept the check and then to submit his protest to the Paymaster General of the Navy. Sonnenstrahl did that. Then it developed that under the Lever Act he was not entitled to enter a protest, and so his claim was turned down, although at one time the Navy Department did offer him over \$400 in addition to the amount paid him. The purpose of the bill is to permit the estate of Sonnenstrahl to begin suit to determine whether or not it has a proper and just claim.

Mr. WARREN. Mr. President, I inquire what is the order of business under which we are proceeding?

Mr. COPELAND. We are proceeding with the consideration of the calendar.

Mr. WARREN. Is the Senator from New York speaking to the first bill on the calendar?

Mr. COPELAND. Yes, sir; I am speaking to the first bill on the calendar.

Mr. WARREN. Very well.

Mr. COPELAND. Mr. President, I ask that the bill may be passed, in order that the estate of Sonnenstrahl may institute suit to ascertain whether it has a just claim against the Government.

Mr. KING. Mr. President, I invite the attention of the Senator from New York—

The PRESIDENT pro tempore. Does the Senator from Utah desire to have the report read at the desk?

Mr. COPELAND. It is a long report, Mr. President, and I thought perhaps the brief explanation I have given might be sufficient.

Mr. KING. Mr. President, I call the attention of the Senator from New York to the fourth page of the report and to the language which is found in a letter from Mr. Roosevelt, Acting Secretary of the Navy, to the Senator from Missouri [Mr. SPENCER], chairman of the Committee on Claims:

The department is of opinion that Mr. Sonnenstrahl has received just compensation for the beans commandeered, and as he has accepted payment of 100 per cent of the amount allowed there is some doubt that he has any further remedy at law. Inasmuch as he made protest as to the price allowed before payment and in view of the facts set out in the supply officer's report above, it is recommended that the Court of Claims be authorized to hear and determine this claim as though only 75 per cent had been paid.

I call attention to the fact that Sonnenstrahl was paid what the Secretary of the Navy said was a fair compensation, accepted it, and gave a receipt in full. It would seem that ought to conclude him in morals as well as in law.

Mr. COPELAND. But the statement made by the Senator is not correct. If the Senator will observe page 2 of the report he will find there a telegram which was sent by the commandant at Mare Island, Calif., to Sonnenstrahl, saying:

In accordance with instructions from the Paymaster General, Navy Department, am settling for commandeered beans at cost price plus reasonable profit, but in no case paying more than 7½ cents per pound for Kintoki and 11½ cents per pound for Kotenashi. Advise you accept check. Submit your protest to the Paymaster General, Navy Department, Washington.

The officer should have directed Sonnenstrahl to return the check in order that he might do this, but he advised him to accept it, and therefore Sonnenstrahl in good faith did accept the check, with the understanding that he could make protest, which he did, and then later the Navy Department recognized the justice of his protest and offered him \$472.66, which Sonnenstrahl said was inadequate, claiming that the proper amount was about \$4,000. The purpose of the bill is a perfectly just one, being to permit the estate of Sonnenstrahl to institute suit to determine whether or not it has claim against the Government.

Mr. KING. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Utah?

Mr. KING. I have the floor.

The PRESIDENT pro tempore. No; the Senator from New York has the floor.

Mr. COPELAND. I yield to the Senator.

Mr. KING. Mr. President, I have made no statement. I merely read what the Acting Secretary of the Navy said, and I read it again:

The department is of the opinion that Mr. Sonnenstrahl has received just compensation for the beans commandeered, and as he has accepted payment of 100 per cent of the amount allowed there is some doubt that he has any further remedy at law.

The PRESIDENT pro tempore. The time of the Senator from New York has expired.

Mr. KING. Mr. President—

The PRESIDENT pro tempore. The Chair now recognizes the Senator from Utah.

Mr. KING. I have no knowledge other than that which is contained in the report.

Mr. COPELAND. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield.

Mr. COPELAND. May I ask the Senator a question?

Mr. KING. Yes.

Mr. COPELAND. Why did not the Senator read the rest of the letter from the Acting Secretary of the Navy?

Mr. KING. I read it all.

Mr. COPELAND. In which he says that—

Inasmuch as he [Mr. Sonnenstrahl] made protest as to the price allowed before payment and in view of the facts set out in the supply officer's report above, it is recommended that the Court of Claims be authorized to hear and determine this claim as though only 75 per cent had been paid.

Mr. KING. I read that when I called attention to the letter, and the Senator has merely put into the Record a repetition of what I formerly read. The point I was emphasizing was, though, that the Acting Secretary of the Navy had stated that Mr. Sonnenstrahl had received just compensation and had accepted 100 per cent.

I shall not object to the consideration of the bill, but it does seem as though the statement from the Acting Secretary of the Navy would justify the Senate in refusing to pass the bill.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OFFICERS IN CHARGE OF PUBLIC BUILDINGS AND GROUNDS IN DISTRICT OF COLUMBIA.

The bill (S. 1918) relative to officers in charge of public buildings and grounds in the District of Columbia was considered as in Committee of the Whole.

Mr. McKELLAR obtained the floor.

Mr. WARREN. Mr. President—

Mr. McKELLAR. When I was interrupted by the end of the five minutes—

Mr. WARREN. Mr. President, I want to know what we are doing. Are we working on the calendar?

Mr. KING. We are; and the Senator's bill has been taken up.

Mr. WARREN. The bill that is before us—

Mr. McKELLAR. I have the floor, and I have not yielded to the Senator.

The PRESIDENT pro tempore. The bill is before the Senate, and the Senator from Tennessee has the floor.

Mr. WARREN. Very well.

A. W. MELLON, SECRETARY OF THE TREASURY.

Mr. McKELLAR resumed and concluded his speech, which is, entire, as follows:

Mr. President, on yesterday I submitted to the Senate section 243 of the Revised Statutes of the United States, which prohibits any man engaged in trade or commerce or in the shipping business from holding the office of Secretary of the Treasury, and pointed out that Mr. Mellon had admitted he was engaged in both trade and commerce and in the shipping business, and that the Treasury Department had had large dealings with several of these companies.

I have learned since that this is not the first time this statute has been called to Secretary Mellon's attention. It was done some two years ago on the floor of the Senate, and then disregarded by the Secretary.

I wish now to call the attention of the Senate to how differently President Grant and Alexander T. Stewart, of New York, acted in a similar case. Mr. Blaine, in his Twenty Years of Congress, volume 2, page 425, tells us that Alexander Stewart, the well-known merchant of New York, was named for Secretary of the Treasury in 1869. Says Mr. Blaine:

The President was very anxious to have Mr. Stewart in his Cabinet, and was therefore surprised and chagrined to find, after he had been nominated, that under the law he was not eligible to the office of Secretary of the Treasury. In the act establishing the Treasury Department, passed at the first session of the First Congress under the Federal Government, it was provided that no person could be appointed Secretary, Assistant Secretary, comptroller, auditor, treasurer, or register who was "directly or indirectly concerned or interested in carrying on the business of trade or commerce." It was further provided that any person violating this act should be deemed guilty of a high misdemeanor, and, upon conviction, fined \$3,000, removed from office, and forever thereafter rendered incapable of holding any office under the Government of the United States. General Grant frankly informed the Senate that he had ascertained Mr. Stewart's disability after the nomination, and suggested that "in view of these provisions of law, and the fact that Mr. Stewart had been unanimously confirmed by the Senate, he be exempted, by joint resolution of the two Houses of Congress, from the operation of the law."

As soon as the President's message was read, Mr. Sherman, of Ohio, asked "unanimous consent to introduce a bill repealing so much of the act of September 2, 1789, as prohibits the Secretary of the Treasury from being concerned in carrying on the business of trade or commerce, and providing instead that in no case shall he act on any matter, claim, or account in which he is personally interested." Mr. Sumner objected to the introduction of the bill, suggesting that it ought to be "most profoundly considered before it is acted upon by the Senate." These proceedings were on Saturday, March 6. On Monday Mr. Sherman did not call up the bill, it having been ascertained in private conferences that the Senate was unwilling to pass it. On Tuesday General Grant withdrew the request, Mr. Stewart resigned, and Hon. George S. Boutwell was nominated and confirmed as Secretary of the Treasury.

Mr. President, the very purpose of the act of 1789 was to prevent just such a situation as now exists in regard to the office of Secretary of the Treasury. The fathers of our Republic were very wise. They knew that it was better to avoid the appearance of evil, and the wisdom of this statute has never been questioned. When it came up in 1869, during Mr. Grant's administration, when he was one of the most popular men that ever lived in this country, even he, with all of his popularity, could not get the Senate of the United States to change that statute by a resolution which he suggested. It is almost incomprehensible that this Senate could have any different view about it, and it is just as incomprehensible how a Secretary of the Treasury would be willing to continue to serve in violation of this statute. It seems to me that the President of the United States should take action in reference to the situation as it now exists. He should follow the very wise and legal action of President Grant. The present Secretary should follow the very excellent example of Mr. Stewart.

When the matter was brought up before in the Senate, it was not known to what extent the personal business of the Secretary came in contact with the actions of the Treasury Department. Recent developments have shown that they come in very close and intimate contact with the Treasury Department.

ment, and that the Treasury Department has paid large sums in refunds to a company in which the Secretary is a large stockholder, and has made a tremendous abatement to another company in which the Secretary is a stockholder, the last company being a shipping company, brought particularly under the ban of the statute. Under these circumstances it would seem that the Secretary of the Treasury should resign at once and not longer violate the plain terms of the statute.

Mr. President, in this connection I desire to quote another statute of the United States referring to the Secretary of the Treasury, among others.

Section 3168 of the Revised Statutes of the United States provides as follows:

Any internal-revenue officer—

And surely the Secretary is one of the internal-revenue officers—he is the principal internal-revenue officer—

who is or shall become interested, directly or indirectly, in the manufacture of tobacco, snuff, or cigars, or in the production, rectification, or redistillation of distilled spirits, shall be dismissed from office; and every officer who becomes so interested in any such manufacture or production, rectification, or redistillation, or in the production of fermented liquors, shall be fined not less than \$500 nor more than \$5,000.

It appears that Secretary Mellon is interested in a distillery known in the records as the Overholt Distilling Co. That this company has had dealings with the Treasury Department is undisputed. Under this statute, also, Mr. Mellon is ineligible to remain as Secretary of the Treasury.

Mr. President, I desire to call attention to other business concerns in which the Secretary of the Treasury is interested.

In the April, 1921, issue of Current Opinion there appeared an editorial written by Dr. Frank Crane, evidently inspired by the Secretary of the Treasury, Mr. Mellon, who had been confirmed by the Senate on the 4th of March. In the editorial, which carries a picture of Mr. Mellon, and with which article we may assume he is familiar, there is this statement:

The record of the personal activities of Secretary Mellon includes 4 banks, 4 of which he recently resigned the presidency to enter the Cabinet, 4 insurance companies, 7 educational and philanthropic institutions, and 62 other corporations. Their products—oil, aluminum, railway cars, locomotives, steel, plate glass, radiators, carborundum, bolts and rivets, motor trucks, and 100 other things—go all over the world.

Mr. President, there is doubtless none of these business activities of the Secretary of the Treasury that does not come directly in contact with the Treasury Department, over which the Secretary presides. It is in direct contravention of section 243 of the Revised Statutes of the United States. It seems to me that the Secretary of the Treasury, having to deal officially with himself in his private capacity almost constantly in the transaction of the business of the various corporations in which he is interested, looking at it from his own standpoint, ought not to be in the position constantly while acting as Secretary of the Treasury to be trying to do that thing which the Savior of mankind said nearly 2,000 years ago could not be done—that no man could serve two masters. It can not be done. The Secretary of the Treasury can not do it, and no other mortal man can do it. He must serve his own interests or the public interest. The Secretary of the Treasury, in my judgment, is violating the plain and express provisions of these two plain statutes of the country and should resign.

The PRESIDENT pro tempore. The time of the Senator from Tennessee has expired.

COTTON STATISTICS.

Mr. DIAL. Mr. President, for several months past the public has been very much dissatisfied with the reports of the Secretary of Commerce, through the Census Department, as to the quantity of cotton on hand.

This matter was brought by the southern Senators to the attention of the Secretary of Commerce, and he appointed a short time ago a most excellent committee to look into this question and to correct the error, if error there was. This committee completed its work the other day, and I fear perhaps its members rushed through their task a little too rapidly and took a little too narrow a view of the subject matter. Anyway, we noticed the next day a great diversity of opinion as to what the committee found.

The item that they had particularly in mind was 579,000 bales of cotton to balance distribution. They undertook to see whether there was error in this amount; and if so, how much. They found that there were 355,000 bales that could not be

located and that they were non est. Therefore they reduced the amount in that item down to 224,000 bales. They said that in the last item was 125,000 bales, estimated, of what is known as "city crop," but which did not add at all to the pounds of cotton in the world, as the "city crop" was samples which had been taken out of the bales of cotton; so they did away with practically 500,000 bales of this cotton. A few other little items were found, and that made up the little difference. I notice in the paper to-day, however, and read in one paper of yesterday, three cotton letters—that is, letters from cotton factors—and in every one of those letters they say that the committee reduced the amount from 579,000 bales by 224,000 bales only, whereas the committee reduced it by 355,000 bales.

Mr. President, the item of 125,000 bales, known as the city crop, is very confusing to the trade. That is samples taken out of the cotton which has already been ginned. The only way to get the true figures is to take the ginning figures and the import figures of cotton, and let these other little matters alone. I never have been satisfied with the city crop. As I said before, it does not add a pound to the production, the actual quantity on hand. Not only that, but the number of bales, as estimated, is entirely too high. It is out of all reason. Taking 1 pound out of each bale of a 10,000,000-bale crop would make only 20,000 bales; so 125,000 bales would be something like 6 pounds out of each bale. Many of us know that a great deal of the cotton is sold without being sampled at all. The first part of the season it is all even-running grades, and often not sampled; but if a toll of 6 pounds is taken out of each bale to get the quality of the cotton, the producer must be robbed tremendously. That would be something like \$1.80 a bale, at 30 cents a pound, to get the character of the cotton. So I am very much surprised at the misinformation that has gone out about this report, and I trust that the Secretary of Commerce will have it corrected.

Mr. President, we hope to have account taken of all the cotton on hand at an early date, and we should like also to have it graded. That would help the trade very much, indeed. Unfortunately, the people who give out the figures of the quantity of cotton on hand will mix linters with actual cotton. Some time ago I took up the different reports and there were many bales of linters added.

The PRESIDENT pro tempore. The time of the Senator from South Carolina has expired.

OFFICERS IN CHARGE OF PUBLIC BUILDINGS AND GROUNDS IN THE DISTRICT OF COLUMBIA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1918) relative to officers in charge of public buildings and grounds in the District of Columbia.

Mr. WADSWORTH. Mr. President, I am not sure that my appeal will avail anything at all, but I do appeal to the Senators who are here present to permit the Senate to proceed with this unanimous-consent calendar. If I may be pardoned the assertion, it is scarcely fair to the Senate as a body to discuss things which are not on the calendar at all. We have only until 2 o'clock. We have not had a calling of the calendar in a long time to accomplish anything; and I, for one, in my humble way, venture to express the hope that the Senate will proceed to do some of the business which it has agreed to do.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. KING. Mr. President, I am not satisfied with the bill that is before us without some explanation, and I shall be glad to have the Senator from Wyoming explain it.

Mr. WARREN. Is the Senator alluding now to Senate bill 1918?

Mr. KING. I am referring to Senate bill 1918, which gives \$10,000 a year to an Army officer.

Mr. WARREN. It does not, as I will explain when I get an opportunity to explain it.

Mr. KING. I am speaking of the bill, and the bill does.

Mr. WARREN. I have been waiting for two days to get the bill up, and make an explanation of it before the Senate.

Mr. President, the bill under discussion was reported favorably by the chairman of the Committee on Public Buildings and Grounds. He has been detained since that time by illness, and I may say that the bill now before the Senate is to be so amended that it is almost an entirely different bill. When the bill as it will be amended is read, I think there will be no difficulty about securing its passage.

Mr. FLETCHER. Does the Senator now offer a substitute for the bill?

Mr. WARREN. No; we simply propose to strike out certain parts of the bill.

I wish to say that the bill would simply change the title and consolidate under one title duties performed by those in charge of various buildings. The duties have all been placed under one officer, and economies have been effected by that means. This is simply to legalize the placing of the work in the hands of one body.

Mr. FLETCHER. I understand the Senator proposes that we shall strike out sections 4 and 5 entirely.

Mr. WARREN. The proposal is to strike out sections 4 and 5 and a part of sections 2 and 3.

Mr. FLETCHER. That is, the provision in sections 2 and 3 about an officer of the United States Army, and so forth.

Mr. WARREN. Yes.

Mr. FLETCHER. It merely changes the title of various offices?

Mr. WARREN. It simply throws them all under the one title. I will say to my friend, the Senator from Utah [Mr. KING], that there is nothing in this regarding any salary. The salary of the officer in charge will remain the same as it is now. On behalf of the committee I move that the bill be amended, as follows:

The PRESIDENT pro tempore. The Secretary will state the amendments.

The READING CLERK. On page 2, line 2, it is proposed to strike out the comma and the words "and shall be an officer of the United States Corps of Engineers, assigned by the President"; on page 2, line 10, after the words "District of Columbia," to strike out the words "and shall be an officer of the United States Corps of Engineers, assigned by the President"; and on page 2 to strike out sections 4 and 5, in the following words:

SEC. 4. The officer of the United States Corps of Engineers holding the two offices of Director of Public Buildings and Director of Public Parks shall receive a compensation of \$10,000 per year in lieu of his Army pay: *Provided*, That the excess compensation thus authorized over his Army pay shall be paid from any appropriations that may be made for expenditure under his control as Director of Public Buildings and Director of Public Parks.

SEC. 5. The assignment by the President of such officers of the United States Corps of Engineers as may be considered necessary by him to act as assistants to the Director of Public Buildings and the Director of Public Parks is hereby authorized.

And on page 3 to renumber section 6 to be section 4, so as to make the bill read:

Be it enacted, etc., That the commission known as the commission in charge of the State, War, and Navy Department buildings shall hereafter be known as the commission in charge of public buildings in the District of Columbia.

SEC. 2. That the office of the Superintendent State, War, and Navy Department buildings shall hereafter be known as the office of public buildings in the District of Columbia, and the superintendent of the State, War, and Navy Department buildings shall hereafter be known as the director of public buildings in the District of Columbia.

SEC. 3. The office heretofore known as the office of public buildings and grounds shall hereafter be known as the director of public parks in the District of Columbia, and the officer in charge of public buildings and grounds shall hereafter be known as the director of public parks in the District of Columbia.

SEC. 4. Nothing in this act shall be held to modify existing law with respect to the assignment of space in the public buildings in the District of Columbia by the Public Buildings Commission.

The amendments were agreed to.

Mr. KING. Mr. President, for the life of me I can not understand the necessity for this legislation. I do not understand why it is necessary to have a commission known as the commission in charge of the State, War, and Navy Department buildings, and why there must be new legislation giving it the name of the commission in charge of public buildings in the District of Columbia. Of course, the State, War, and Navy Department buildings are important. Obviously there must be some one charged with the responsibility of caring for them. Why there should be a commission for that purpose I am not quite able to determine, particularly if that commission means a considerable number of Army officers or of civilians. Although the amendments have not been printed, and are rather ambiguous to me, as I understand the bill, we have the office of Superintendent of the State, War, and Navy Buildings, and that office shall hereafter be known as the office of public buildings in the District of Columbia. For fear that I have not been accurate in my last statement, not having the amended bill before me, I repeat, having been given a copy of the amendments, that section 2 provides that the office of the Superintendent of the State, War, and Navy Department buildings shall hereafter be known as the office of pub-

lic buildings in the District of Columbia, and the Superintendent of the State, War, and Navy Department buildings shall hereafter be known as the director of public buildings in the District of Columbia.

First we have a commission in charge of these buildings—

Mr. WARREN. No, Mr. President; the Senator is alluding to section 4. It is a matter of different officers serving as a group to allocate the space in the War, State, and Navy and other department buildings for the different rooms and offices for officials and employees of the several departments.

Mr. KING. That is, the first section provides for a commission to be known as the commission in charge of the State, War, and Navy Department buildings, as I understand the Senator, which commission is established for the purpose of allocating space in the various departments, or to employees of the various instrumentalities of the departments.

Mr. WARREN. No; it is to take care of what the superintendent of the building does; that is, to have the general superintendence, provide fuel, heat, light, and so forth, overlooking all those things.

Mr. KING. Then, as I understand it, there is first a commission, which will have charge of the three buildings.

Mr. WARREN. Those duties are performed by the officer now, and are not changed. The commission is not a paid commission or one that will draw upon the Treasury in any way.

Mr. KING. Then, in addition to the commission, if the Senator will pardon me, the office of superintendent of the same buildings, if it is not created, is renamed, so that it shall in the future be known as the office of public buildings in the District of Columbia.

Mr. WARREN. It is simply an accumulation of those duties which were formerly performed by a superintendent. From time to time we have covered the performance of the duties provided for in various bills under the management of one man, as superintendent, and so forth, but it is very awkward that way, and when the time comes for the reappointment of the officer there should be a name or title that would cover all.

Mr. WADSWORTH. May I interrupt the Senator at that point?

Mr. KING. I shall be glad to yield.

Mr. WADSWORTH. As the Senator from Wyoming has said, this is perfectly simple. There is nothing new created by the bill.

Mr. KING. The Senator refers to the bill as amended?

Mr. WADSWORTH. Yes; as amended. The office of the superintendent of the State, War, and Navy Department buildings is now an office under the Government, filled by Colonel Sherrill. There is also under the Government an office known as that of Public Buildings and Grounds, and that office is headed by Colonel Sherrill to-day. Those offices have been merged under one person, but the names have never been changed, in order to make them comply with the objects of the two offices themselves. The commission in charge of the State, War, and Navy Department buildings is the commission of which the senior Senator from Utah [Mr. SMOOT] is the chairman, and of which Colonel Sherrill is ex officio one member, whose province it is to allocate office space for all departments here in Washington. This bill simply gives it a more appropriate name, "commission in charge of public buildings in the District of Columbia," instead of "commission in charge of the State, War, and Navy Department buildings."

Mr. KING. May I ask the Senator why section 4 was originally proposed?

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. KING. May I ask the Senator from New York in his time why the provision of section 4 was projected, with a salary of \$10,000 a year?

Mr. WADSWORTH. I do not know why, as I am not a member of the Committee on Public Buildings and Grounds; but as soon as it appeared I objected to it, among others. It was never asked for by the department, so far as I know. It was the idea of the Committee on Public Buildings and Grounds that an officer who had jurisdiction over 6,000,000 square feet of office space, probably the largest job of its kind in the world, should have a salary of \$10,000. I think it is a mistake to give an Army officer a salary higher than that of his grade.

Mr. SMOOT. Mr. President, I want to be fair to Colonel Sherrill, and I desire to state that after this bill was introduced Colonel Sherrill came to my office and called my attention to the per diem allowance under the bill and said to me, "Senator Smoot, that is an increase in my compensation. I want you to know I have not asked for it." The Senator from

New York has stated the case exactly as the bill provides, with section 4 stricken out and with the other amendments which have been agreed to. There is nothing in the bill to change the existing conditions except as to the title of Colonel Sherrill or any other man who may hold that position.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 55) making an appropriation to pay the State of Massachusetts for expenses incurred and paid, at the request of the President, in protecting the harbors and fortifying the coast during the Civil War, in accordance with the findings of the Court of Claims and Senate Report No. 764, Sixty-sixth Congress, third session, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over. The bill (S. 1181) naming the seat of Government of the United States was announced as next in order.

Mr. SMOOT. There is no report accompanying the bill. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

STEAMBOAT INSPECTION SERVICE.

The bill (S. 1718) to amend section 4404 of the Revised Statutes of the United States as amended by the act approved July 2, 1918, placing the supervising inspectors of the Steamboat Inspection Service under the classified civil service, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 4404 of the Revised Statutes of the United States, as amended by the act of Congress approved July 2, 1918, be, and the same is hereby, amended so as to read as follows:

"Sec. 4404. The positions of supervising inspector in the Steamboat Inspection Service are hereby placed under and included in the classified civil service. There shall be 10 supervising inspectors, who shall be appointed by the Secretary of Commerce, in accordance with and under the provisions of the act of January 16, 1883, known as the civil service act. Each supervising inspector shall be entitled to a salary of \$3,450 a year and his actual necessary traveling expenses while traveling on official business assigned him by competent authority, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce."

SEC. 2. That this act shall be effective on and after the date of its approval.

Mr. JONES of Washington. Mr. President, this bill was read when it was reached on the calendar before and was considerably discussed. It went over at the request of the junior Senator from Pennsylvania [Mr. REED]. The Senator from Pennsylvania advised me yesterday that the bill was satisfactorily explained to him and that he has no objection to it; so I hope it may be passed without objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TAXATION IN THE DISTRICT OF COLUMBIA.

The bill (S. 1786) to amend sections 5, 6, and 7 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, was announced as next in order.

Mr. KING. May I inquire of the Senator from Washington if he thinks this bill should be taken up under the five-minute rule?

Mr. JONES of Washington. It is largely an administrative proposition. It is rather a long bill, but the provisions really relate to administrative features of the government of the District of Columbia, and it is urged by the commissioners as making it easier to administer the law.

Mr. KING. If the Senator has examined the bill—

Mr. JONES of Washington. We did examine it quite carefully. There are several provisions in it which are really restatements of existing law and they are simply to enable the commissioners better to administer the law. One provision authorizes the commissioners to assess buildings which have been constructed, and there are one or two other items, one putting a tax on dancing instructors.

Mr. KING. Are there any increases of salary or increases in the number of employees provided for?

Mr. JONES of Washington. No. The number of assessors is increased by one, but we have been carrying the additional assessor in appropriation bills heretofore.

Mr. KING. The position is made permanent by this bill? Mr. JONES of Washington. Yes; we really make it permanent.

Mr. KING. If the Senator thinks the legislation is wise—

Mr. JONES of Washington. The committee went into it pretty carefully, and we thought it was not only wise but urgent.

Mr. KING. Let the bill be read in full so that we may have time to look over it.

The PRESIDENT pro tempore. The Secretary will read the bill.

The bill was read.

Mr. McNARY. Mr. President, I understand we are working under a unanimous-consent agreement, which gives only five minutes for the discussion of a bill. Is that correct?

The PRESIDENT pro tempore. The unanimous-consent agreement modifies Rule VIII only in this respect, that a Senator is not permitted to move to take up a bill on the calendar upon objection being made to its consideration. Otherwise, Rule VIII is in full force.

Mr. McNARY. I understand the limitation of five minutes obtains, however, under Rule VIII.

The PRESIDENT pro tempore. There is a limitation of five minutes.

Mr. McNARY. In view of that fact, I think the bill is too comprehensive and covers too many important matters involving the welfare of the District to be considered under the five-minute rule. I shall therefore object to its consideration at this time.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

AMENDMENT OF INTERSTATE COMMERCE ACT.

Mr. SMITH. Mr. President, I do not care to interrupt the ordinary consideration of the calendar, but I want to ask unanimous consent to take up out of the regular order Calendar No. 302, the bill (S. 2704) to amend paragraph (3), section 16, of the interstate commerce act. I do not think it will lead to any discussion. I would not ask it if it were not so urgent, and we may not reach it in the regular routine call to-day. It is toward the end of the calendar.

The bill provides for the equalization of time between the claims of shippers and the claims of railroads. It has been recommended by the Interstate Commerce Commission and no objection has been offered by the railroad companies; in fact, the files show that the railroad companies have desired to pay the claims where they were worthy, but under the decision of the Supreme Court in the Wolf case they are debarred from paying them after the statute of limitations has run.

I ask unanimous consent that the bill may be considered, because it is a matter of such urgent importance. I do not think it will lead to any discussion.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent that Senate bill 2704 be now taken up for consideration.

Mr. JONES of Washington. I think we had better proceed with the calendar in the regular order. After 2 o'clock I think the Senator will probably be able to have the bill considered.

Mr. SMITH. I think the time we have already consumed would have enabled us to pass the bill, because there was no objection from the shippers and no objection from the railroads and none from the Interstate Commerce Commission. I was afraid that other business might intervene. This is a matter of some importance, and it could be passed in a moment unless an explanation of it was desired.

Mr. JONES of Washington. There are several quite important measures on the calendar.

The PRESIDENT pro tempore. Is there objection?

Mr. JONES of Washington. I object. I do so because of the unanimous-consent agreement. It is not that I oppose the bill at all.

The PRESIDENT pro tempore. Objection is made. The next bill on the calendar will be reported.

VETERANS' BUREAU HOSPITAL AT CORPUS CHRISTI, TEX.

The bill (S. 2100) authorizing the sale of the United States Veterans' Bureau Hospital at Corpus Christi, Tex., was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, there is no report on the bill. There has not been a report in each of the other five or six cases where such bills have been reached on the calendar. Each time the bill has been postponed for that reason. I am not a member of the Committee on Public Buildings and Grounds, but I have investigated the matter and I am told by representatives of the Veterans' Bureau that the hospital has never been built, that it is idle land,

and that it ought to be sold because there is no prospect of a hospital building being erected on that location. It ought to be sold and the money turned into the Treasury.

Mr. HARRIS. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

BILLS PASSED OVER.

The bill (S. 799) for the relief of F. A. Maron was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 33) making eligible for retirement under certain conditions officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 966) for the continuance of construction work on the San Carlos Federal irrigation project in Arizona, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

AMBROSE I. MORIARTY.

The bill (S. 2090) to provide for the advancement on the retired list of the Regular Army of Second Lieut. Ambrose I. Moriarty was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT pro tempore. On a former occasion the bill was considered and the amendments of the committee were agreed to as in Committee of the Whole. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRANDEGEE. In connection with the bill just passed I should like to have printed in the Record the report of the committee.

The PRESIDENT pro tempore. Without objection it is so ordered.

The report submitted by Mr. BRUCE February 9, 1924, is as follows:

The Committee on Military Affairs, to which was referred the bill (S. 2090) to provide for the advancement on the retired list of the Regular Army of Second Lieut. Ambrose I. Moriarty, having considered the same, report thereon favorably with the recommendation that the bill do pass with the following amendments:

In line 4 strike out the word "Congress" and insert the word "Senate."

In line 5 strike out the name "Moriarty" and insert "Moriarty."

In line 7 after the word "Army" strike out the period and insert a comma and the following: "with retired pay from the date of said appointment, as now prescribed by law for a major of his length of service retired prior to July 1, 1922."

Amend the title to read as follows: "A bill to provide for the advancement on the retired list of the Regular Army of Second Lieut. Ambrose I. Moriarty."

The purpose of the first two amendments is obvious. The first provides that the Senate, instead of the Congress, shall confirm the appointment, which is in accord with the law, and the second and last amendments correct the spelling of Moriarty's name. The third amendment is to make clear the intent of the Congress as to the pay Moriarty is to receive under the provisions of the bill. It is estimated that under the provisions of this measure he would receive approximately \$240 per month.

A somewhat similar bill was passed by the Senate during the last Congress and reported favorably to the House. The facts in the case are contained in the report on that bill (S. 2750, 67th Cong.), which is inserted herein in part as follows:

[Senate Report No. 840, Sixty-seventh Congress.]

While it has for some time been the policy of the War Department to withhold approval from proposed legislation to advance officers on the retired list, this case is so unusual and so meritorious the Secretary of War has indicated his approval of the proposal, stating in a letter of December 1, 1921, to the chairman of the committee that, "While in general the War Department does not favor legislation singling out an individual for preferential treatment, in view of the special circumstances in this case favorable report by your committee and the enactment of the bill in reference are recommended."

The history of this officer is unique. He entered the Military Academy in July, 1883, graduated in June, 1887, and was commissioned, serving as a second lieutenant of Infantry until December 15, 1887, when he resigned. In December, 1889, he was reappointed, was commissioned in January, 1890, and served until June 6, 1894, when he was retired for disability. His circumstances are best described in a letter written by him to the chairman of your committee under date of May 17, 1922, which is as follows:

STATION HOSPITAL,
Port Banks, Mass., May 17, 1922.

HON. JAMES WADSWORTH,

Chairman Senate Committee on Military Affairs,
Washington, D. C.

DEAR SIR: Your committee has before it Senate bill No. 2750, which was introduced November 16, 1921, by Senator BRANDEGEE.

This bill, which gives me the rank of major on the retired list of the Army, has the approval of the Secretary of War. It was presented to Congress in order to help me financially.

I have been helpless and cared for by an attendant for the past 21 years, bearing all the expense incident to my condition myself, until my resources are about exhausted and my only income is my retired pay as a second lieutenant of Infantry. The disease which has brought me to this condition is called arthritis deformans, every joint being affected, even my jaws, and all of them being virtually fixed.

This condition was brought about by exposure while on active service in the West and Southwest.

I was with the troops that were sent to Highwood, near Chicago, in 1887, in order to be of assistance in case they were needed, at the hanging of the Haymarket rioters on November 11 of that year, and spent part of that bitter winter in camp on the shores of Lake Michigan. That was the starting point of my disability, and subsequent exposure in Arizona and New Mexico increased it until my retirement became necessary.

So great has become the expense of living and being properly cared for that my retired pay is no longer adequate and I have been compelled to give up my home and take refuge in the hospital at this post, where I am receiving no medical treatment, as my case is hopeless. I pay my nurse her wages, as I have done for the past 21 years, and I also pay her board and my own in the hospital.

Under the war risk insurance act a soldier who is in my condition would draw \$277.50 monthly as compensation and insurance. This is more than twice the amount which I receive as retired pay, and his annual income would be about \$400 more than this bill will give me when passed.

Patients are not expected to remain permanently in post hospitals, and I respectfully ask you if your committee will not report my bill favorably at this session, so that I may again be allowed to live comfortably outside the walls of a hospital.

You may obtain a slight idea of my condition from the photographs I am inclosing.

Very respectfully,

AMBROSE I. MORIARTY,

Second Lieutenant, United States Army, Retired.

Brig. Gen. Mark L. Hersey and Brig. Gen. Edgar Russel, both classmates at West Point of Lieutenant Moriarty, describe the case in letters, which are appended herewith as explanatory of it:

WAR DEPARTMENT,

Headquarters, Camp Devens, Mass., May 27, 1921.

HON. FRANK B. BRANDEGEE,

United States Senate, Washington, D. C.

DEAR SENATOR BRANDEGEE: Recently I called on a classmate of mine in Putnam, Conn., Second Lieut. A. I. Moriarty. His case is one of the most pathetic that I have ever known and one most worthy of relief on the part of the United States.

Moriarty is a victim of arthritis deformans, contracted on the bleak shores of Lake Michigan in the winters of the late eighties preceding the hanging of those anarchists in Chicago. This camp was on the spot where Fort Sheridan now stands, was a canvas affair, and the exposure to which Moriarty was then subjected was the direct cause of all of his sufferings in later years. His joints have all grown together. He has hardly been able to move a muscle for 15 years. He can not even chew, and his speech is necessarily impaired as that of a man with set jaws.

He has borne his sufferings with heroism second to nothing I have ever seen on the battle fields of Spanish America, Europe, or Asia. I know of no man who has stood up to his burden so uncomplainingly for such a long period as Moriarty. His condition is such that he has had to have a trained nurse now for more than 15 years. This in itself has more than exhausted his stipend from the Government and he has now practically exhausted the modest patrimony left him by his father. His case is one absolutely without parallel in the United States Army so

far as helplessness and absolutely necessary expenditure is concerned. He should be properly cared for by the United States. It can not be done on his retired pay as second lieutenant. Here is the remedy that I am suggesting and with reasonable precedents therefor: That he be given the same grade on the retired list that others of his same length of active service are now receiving at this time. I think this would mean a majority for him, as he had five or six years' active service before he was placed on the retired list; that is, five or six years' active service with the colors, not counting his cadet service. Men from the academy in these days with his same length of service have, many have, reached their majority; all certainly their captaincy. The pay of a major or even a captain would, I think, see him through.

I am presenting for your consideration the case of this very wonderful officer whose noble bearing of his sufferings from disease contracted in line of duty has not been equaled, I believe, in all the history of the Army. A very able and gallant soldier in the days of his youth who forfeited his health in the service of his country. Owing to his absolute helplessness and necessity for a nurse all the time, his retired pay is not sufficient for his absolutely necessary expenses by something like \$1,100 a year. I know the details of his expenditures and set this with assurance. Just for a little personal item: He has not afforded himself any new outer garments in five years.

I bespeak your high power as United States Senator from Connecticut in the introduction of a bill to Congress recommissioning him on the retired list with the grade of officers of his length of active service now attain in the same period that he has to his credit.

Very sincerely yours,

MARK L. HERSEY,

Brigadier General, United States Army, Commanding.

WAR DEPARTMENT,

Washington, July 26, 1922.

HON. FRANK B. BRANDEGEE,

United States Senate, Washington, D. C.

MY DEAR SENATOR BRANDEGEE: Regarding the case of Second Lieut. Ambrose I. Moriarty, United States Army, retired, I regret that my Army duties will require my departure at once, and I shall not be able to accompany you to the hearing on his case, as you suggested in the interview July 26. I am glad, however, to present in writing to you and the committee some facts and observations regarding Lieutenant Moriarty.

He and I were classmates in the class of 1887, United States Military Academy, and I have known him intimately. His active career in the Army was cut short by his retirement for disability in 1894, due to exposure in camp, which resulted in rheumatic trouble that has gradually rendered him helpless. I understand that for over 20 years he has required the services of a special nurse. When I visited him about 10 days ago, I found him in an invalid's chair, with every joint rigid, unable to move even hand or foot, and requiring the constant attention of a special nurse. It need not be said that his retired pay (\$137.50 per month) is entirely inadequate to support him and pay for the unremitting and skillful nursing his case requires. He has been obliged to add to his pay some slender private resources, but these are now exhausted, and he faces a most serious situation.

He has asked that he be promoted on the retired list to major, which, it appears, would make his retired pay \$225 per month. If Lieutenant Moriarty had not been stricken with this disease as a direct result of his performance of duty, he would now be at least a colonel. His complete disability is as much the result of his devoted performance of his duties as that of the soldier receiving a disability would at the front, for which generous provision is now made.

Lieutenant Moriarty was noted as a cadet for his conscientious performance of his duty. As an officer he showed a zeal and patriotism which was marked. Lying helpless as he is now, his mind is bright, and his patience and unflinching cheerfulness are sources of inspiration to all who see him.

His case is decidedly exceptional and most deserving, and I deem it a privilege to do what I can to assist in its favorable consideration.

Sincerely yours,

EDGAR RUSSEL,

Brigadier General, United States Army.

BILLS PASSED OVER.

The joint resolution (S. J. Res. 46) for the relief of Capt. Ramon B. Harrison was announced as next in order.

Mr. KING. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 1014) for the relief of F. J. Belcher, jr., trustee for Ed Fletcher, was announced as next in order.

Mr. KING. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1932) to change the name of Thirty-seventh Street, between Chevy Chase Circle and Reno Road, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 60) to stimulate crop production in the United States was announced as next in order.

Mr. KING. Let that go over. We can not consider it in the limited time now at our disposal.

The PRESIDENT pro tempore. The joint resolution will be passed over.

ALASKA STEAMSHIP CO.

The bill (S. 732) for the relief of the Alaska Steamship Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert the words "out of any money in the Treasury not otherwise appropriated," and in line 7 to strike out "\$9,024.27" and insert "\$5,974.27," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to the Alaska Steamship Co., a corporation organized and existing under the laws of the State of Nevada, the sum of \$5,974.27, in payment of the balance due said company for services rendered at the request of the United States deputy collector of customs at Unalaska, Alaska, and in pursuance of an agreement with him for the transportation and care of 193 survivors of the wreck of the American ship *Columbia* near Scotch Cap Lighthouse, Alaska, in May, 1909.

The amendments were agreed to.

Mr. KING. Mr. President, I should like to ask the Senator from Washington [Mr. JONES] to explain the bill.

Mr. JONES of Washington. Briefly, the facts are these: There was a vessel wrecked at Arch Point, Alaska, in Alaskan waters. The deputy collector of customs had the boat *Dora*, owned by this company, go out to get the shipwrecked people. There were 193 of them. Under the law a collector or deputy collector has a right to contract for the transportation and care of seamen. He made a contract with the captain of this vessel to transport the 193 persons, whom he described as seamen, to Seward and for their subsistence there until a boat could be obtained to go on to Seattle.

The boat actually transported them, but it was found when they got to Seward that only 71 of them were seamen. The others were employees of another company, but they had actually been transported. Legally and from a technical legal standpoint they had no right to pay the owner of the boat for the transportation of the other persons. That is really the situation the bill is intended to relieve. In equity it was thought, as the steamship company had actually transported these people under contract with the deputy collector and had met them at Seward at an expense of \$240, that that sum should be paid; and that is the purpose of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS AND RESOLUTION PASSED OVER.

The bill (S. 1013) for the relief of Gordon G. MacDonald was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 703) making an adjustment of certain accounts between the United States and the District of Columbia was announced as next in order.

The reading clerk proceeded to read the bill.

Mr. OVERMAN. Mr. President, that is a pretty important bill, and I object to its consideration at this time.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 124) directing the Interstate Commerce Commission to secure information relative to amount of money expended for the purpose of creating public interest favorable to railroad sentiment was announced as next in order.

Mr. REED of Pennsylvania. Let that resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 1490) to promote the safety of passengers and employees upon railroads by prohibiting the use of wooden cars under certain circumstances was announced as next in order.

Mr. FLETCHER. I ask that that bill go over, the Senator from Maryland having requested that that action be taken.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 185) to promote agriculture by stabilizing the price of wheat was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

COMPENSATION OF WARRANT OFFICERS AND ENLISTED MEN, ETC.

The bill (S. 2401) providing for the compensation of retired warrant officers and enlisted men of the Army, Navy, and Marine Corps, or any other service or department created by or under the jurisdiction of the United States Government, and warrant officers and enlisted men of the Reserve Corps of the Army and Navy was announced as next in order.

Mr. KING. Let that bill go over.

Mr. EDGE. Mr. President, if the Senator from Utah will withdraw his objection for a moment, I desire to say a few words about the bill. I can not conceive that there can be any opposition to it. The bill was introduced by me for the purpose of straightening out misunderstanding on the Panama Canal Zone. The bill has been recommended by the Secretary of War and has been reported by the Committee on Military Affairs without the slightest objection.

Mr. KING. I will withhold my objection until I shall have heard the Senator's explanation of the bill.

Mr. EDGE. The purpose of the bill is to permit retired enlisted men and warrant officers in any branch of the service to retain their retired pay when working in other employment on the Panama Canal Zone. I understand it has been the custom down there, so far as possible, to employ retired enlisted men and warrant officers in various governmental activities. Those men have always heretofore drawn the pay to which they were entitled on account of their service in the Army and, in addition, whatever remuneration the Canal Zone government provided for them. The question, however, has arisen whether, under a strict interpretation of the Panama Canal Zone act as set forth in the report, this can legally be done. This bill simply straightens out that situation so that those men may receive the money which they have earned through their service and still be paid the salary allowed them by the Panama Canal Zone authorities. That is all the bill proposes to do.

Mr. KING. I still insist on my objection, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 2168) for the relief of David C. Van Voorhis was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 746) providing for the development of hydroelectric energy at Great Falls was announced as next in order.

Mr. REED of Pennsylvania. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

COMMERCIAL PACIFIC CABLE CO.

The bill (S. 709) for the relief of the Commercial Pacific Cable Co. was announced as next in order.

Mr. KING. Let that bill be passed over.

Mr. WADSWORTH. Mr. President, will the Senator from Utah withhold his objection for just a moment?

Mr. KING. Yes.

Mr. WADSWORTH. If there was ever a case where the Government owed a citizen or group of citizens money, this is one. Certain cables, as Senators know, center at the Island of Guam. A vessel of the United States Navy in attempting to do some salvage work dragged its anchor across the commercial cable, which is owned by the Commercial Pacific Cable Co., and destroyed it so far as its being able to render any service was concerned. The cable company had to bring a cable ship from a Chinese port to Guam in order to repair the cable. The incident was investigated by the Navy Department, and the Navy Department admitted that its own personnel, through this accident, had imposed this expense upon the cable company. The amounts have all been audited and carefully examined, and the Navy Department certifies that, in its judgment, the Government should pay the cable company the sum proposed to be appropriated.

Then the bill covers a second instance of the same character, there being two incidents covered by this bill. In restoring a buoy to position at Guam a group of naval personnel under the command of an officer dropped a very heavy buoy anchor, composed of a heavy block of cement, thinking they were doing so in a place where the cable would not be injured. Unfortunately, they dropped it directly on the cable, smashed the insulation, exposed the wires, and destroyed all means of communication between the United States and Guam. The cable company was compelled to bring a cable ship from Honolulu to Guam, something like 2,000 miles, to repair the cable. That item of expenditure was carefully audited and examined by the Navy Department, and the Navy Department admits that men under it did this damage and that the company should be reimbursed. That is the bill.

Mr. KING. Will the Senator permit an inquiry?

Mr. WADSWORTH. Yes.

Mr. KING. Does the Senator think that there ought to be a direct appropriation or that we ought to authorize the submission of the matter to the Court of Claims?

Mr. WADSWORTH. I think, when all the facts are admitted by everybody who has ever looked into the matter, that we might just as well pay our debts.

Mr. FLETCHER. Do I understand that the second provision of the bill is intended to take the place of another bill that covered that item?

Mr. WADSWORTH. Yes. The second provision of the bill was in a separate bill at one time and passed the Senate.

Mr. CARAWAY. Mr. President, the Senator from Utah assures me that he withdraws his objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments on page 1, line 5, after the word "company," to insert "out of any money in the Treasury not otherwise appropriated"; and on line 10, after the date "March 21, 1923," to insert "The Secretary of the Treasury is also authorized and directed to pay to the Commercial Pacific Cable Co., out of any money in the Treasury not otherwise appropriated, the sum of \$30,490.38 to reimburse said company for the cost of repairing certain damages done by the United States naval authorities to one of said company's cables in the harbor of San Luis d'Apra, island of Guam, in September, 1907, as reported to Congress in Senate Document No. 88, Sixty-fourth Congress, first session," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Commercial Pacific Cable Co., out of any money in the Treasury not otherwise appropriated, the sum of \$16,109.94 to reimburse said company for the cost of repairing certain damages done by the United States naval authorities to one of said company's cables in the harbor of San Luis d'Apra, island of Guam, on March 21, 1923. The Secretary of the Treasury is also authorized and directed to pay to the Commercial Pacific Cable Co., out of any money in the Treasury not otherwise appropriated, the sum of \$30,490.38 to reimburse said company for the cost of repairing certain damages done by the United States naval authorities to one of said company's cables in the harbor of San Luis d'Apra, island of Guam, in September, 1907, as reported to Congress in Senate Document No. 88, Sixty-fourth Congress, first session.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. EWING.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 964) for the relief of William J. Ewing.

The bill had been reported from the Committee on Claims with an amendment on page 1, line 6, after the words "sum of," to strike out "\$2,000" and insert "\$1,560," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William J. Ewing, or his legal representatives, the sum of \$1,560, as full compensation for permanent injuries received by the said Ewing on the 18th day of December, 1901, at San Francisco, Calif., while in the performance of his duties as an employee of the United States Life Saving Service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2357) for the relief of the Pacific Commissary Co. was announced as next in order.

Mr. OVERMAN. I ask that that bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2012) declaring an emergency in respect of certain agricultural commodities, to promote equality between agricultural commodities and other commodities, and for other purposes, was announced as next in order.

Mr. McNARY. I ask that that bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

THE MILITARY ESTABLISHMENT.

The bill (S. 1974) providing for sundry matters affecting the Military Establishment, was announced as next in order.

Mr. OVERMAN. Does the Senator from New York desire that bill to be passed during the consideration of the calendar under the five-minute rule?

Mr. WADSWORTH. It is just as the Senate desires.

Mr. OVERMAN. I apprehend the bill will involve discussion; it is a long bill.

Mr. WADSWORTH. It is quite a long bill, and contains a considerable number of unrelated subjects, each one of which by itself is of slight importance, but in the aggregate they are important.

Mr. McKELLAR. There is just one item in the bill about which I have received a letter, and I should like to look into it. I do not wish to delay it, but if the Senator will permit the bill to go over I think I shall have no objection to its consideration the next time it is called.

Mr. WADSWORTH. Very well, Mr. President, let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

REVENUE FROM PRIBILOF ISLANDS, ALASKA.

The bill (S. 2122) to create a Pribilof Islands fund and to provide for the disposition of surplus revenue from the Pribilof Islands, Alaska, and for other purposes, was considered as in Committee of the Whole.

The bill was read as follows:

Be it enacted, etc., That the proceeds received from the sale of fur-seal and fox skins, and other products from the Pribilof Islands, Alaska, be reserved and set aside as a special fund in the Treasury to be known as the "Pribilof Islands fund" to be appropriated from time to time by Congress for the expenses of the Department of Commerce in protecting and developing the fur-seal fisheries and the raising of foxes, including the furnishing of food, fuel, water, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska; transportation of supplies to and from the islands; expenses of travel of agents and other employees, and subsistence while on said islands; the purchase, hire, and maintenance of vessels; construction of buildings; construction and repair of roads; the expansion of by-products plants; construction and maintenance of cold-storage plants; the development, construction, and maintenance of adequate waterworks plant; and for all expenses necessary to carry out the provisions of the act entitled "An act to protect the seal fisheries of Alaska, and for other purposes," approved April 21, 1910; and any balance, or any part thereof, remaining in that fund not needed for above purposes, shall be covered annually into the Alaska fund created by the act approved January 27, 1905, as Congress may direct.

SEC. 2. That nothing in this act shall be construed to prevent the payments to Great Britain and Japan from the proceeds of sales of sealskins of any amounts due those Governments from sales of their respective shares of sealskins taken at the Pribilof Islands, or for payment from the proceeds of sales of fur-seal and for fox skins of expenses for taking, handling, curing, transporting, dressing, dyeing, and machining and selling of such skins.

SEC. 3. That this act shall take effect and be in force from and after July 1, 1924.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OWNERS OF THE BARGE "ANODE."

The bill (S. 78) for the relief of the owners of the barge *Anode* was considered as in Committee of the Whole.

The bill was read as follows:

Be it enacted, etc., That the claim of the Raritan Copper Works, owner of the American barge *Anode*, against the United States for damages alleged to have been caused by collision between said barge and the U. S. transport *Buford*, on the 18th day of January, 1919, between Governors Island and Bedloes Island, in New York Harbor, N. Y., may be sued for by the owner of the said barge in the United

States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages, including interest and costs, if any, as shall be found to be due against the United States in favor of the owner of the said American barge *Anode*, or against the owner of the said American barge *Anode* in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OWNERS OF STEAMSHIP "COMANCHE."

The bill (S. 82) for the relief of the owners of the steamship *Comanche* was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the claim of the Clyde Steamship Co., owner of the American steamship *Comanche*, against the United States for damages alleged to have been caused by collision between said vessel and the United States battleship *Indiana* and the United States destroyer *McCall* on the 14th day of December, 1917, off Norton's Point, N. Y., may be sued for by the said Clyde Steamship Co. in the United States District Court for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages, including interest and costs, if any, as shall be found to be due against the United States in favor of the owners of the said American steamship *Comanche*, or against the owners of the said American steamship *Comanche* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMSHIP "CEYLON MARU."

The bill (S. 84) for the relief of the owners of the steamship *Ceylon Maru* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of Nippon Yusen Kabushiki Kaisha, owner of the Japanese steamship *Ceylon Maru*, against the United States of America for damages alleged to have been caused by collision off Trompeloupe, France, on November 2, 1918, between the said vessel and the American steamship *Jeannette Skinner*, owned by the United States of America, and being then operated by the War Department in its transport service, may be sued for by the said Nippon Yusen Kabushiki Kaisha in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and such court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damage, including interests and costs, if any, as shall be found to be due against the United States in favor of said Nippon Yusen Kabushiki Kaisha, or against the said Nippon Yusen Kabushiki Kaisha, in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court; and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That in the suit authorized by this act any and all of the testimony taken in the suit of Nippon Yusen Kabushiki Kaisha against the steamship *Jeannette Skinner* begun by the filing of a libel in the District Court of the United States for the District of Maryland on March 1, 1919, may be offered by or in behalf of the Government or the owner of the *Ceylon Maru* and shall be admissible in evidence: *And provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2691) to amend the Penal Code was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2693) in reference to writs of error was announced as next in order.

The reading clerk read the bill.

Mr. REED of Pennsylvania. Mr. President, in the absence of a report or an explanation from the Senator who introduced the bill, I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

WILLIAM MORTENSEN.

The bill (S. 148) for the relief of William Mortesen was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "\$20,000" and insert "\$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Mortesen, the sum of \$1,000 for assistance rendered to the United States Government in land cases in Oregon.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NEAR EAST RELIEF (INC.).

The bill (S. 87) for the relief of the Near East Relief (Inc.) was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cancel and abandon the claim in the sum of \$632,669, with interest, for United States property sold in 1919 to the Near East Relief (Inc.) for use in relieving and supplying the pressing needs of the peoples of the countries involved in the late war.

Mr. McKELLAR. Mr. President, will the Senator from New York [Mr. WADSWORTH], who introduced this bill, make an explanation of it?

Mr. WADSWORTH. Mr. President, Senators of course are familiar with the work of the Near East Relief. It saved the lives, no doubt, of thousands and thousands of women and children in Asia Minor in the troubles which overtook that region following the end of the World War. Much of its work was in Syria and Armenia and in those regions which formerly had been under the Turkish Empire, and which were in a highly demoralized condition.

The War Department had surplus supplies on hand and entered into a contract with the Near East Relief for the sale of a considerable quantity of supplies. Many of the supplies were near at hand—that is, they were in Europe—and they were sadly needed in this region. The War Department had no right to make a gift to the Near East Relief or to any other relief organization. The supplies were handed over to the Near East Relief. They were distributed to starving women and children. I imagine it was done in the understanding that the conditions were terrible, and the Near East Relief was willing to enter into any kind of an obligation in order to get the supplies and save the lives of these people. The fact of the matter is that the Near East Relief (Inc.) has no money at all. It expended all its funds, which were raised by private subscription, in saving the lives of these people, and it simply can not pay the War Department the six hundred and odd thousand dollars. The War Department has no right to release it.

Mr. McKELLAR. Mr. President, did the Near East Relief organization furnish a statement of account showing what it had done with these supplies?

Mr. WADSWORTH. Oh, yes.

Mr. McKELLAR. The Senator is satisfied that all of these supplies were used for a good purpose?

Mr. WADSWORTH. Oh, without a doubt. They were sent directly to the famine region.

Mr. McKELLAR. I have no objection. Of course we all recognize what an awful situation that was; and so far as I am concerned I have no objection to the passage of the bill.

Mr. CAPPER. Mr. President, there is not a chance in the world that the Government will ever get a dollar from the Near East Relief Association; and this simply straightens out an account on the books of the Government. It is a matter of bookkeeping.

The PRESIDENT pro tempore. The bill is before the Senate, as in Committee of the Whole, and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 349) for the relief of sufferers in New Mexico, from the flood due to the overflow of the Rio Grande and its tributaries, was announced as next in order.

Mr. McKELLAR. Mr. President, will the Senator from New Mexico make an explanation of this bill?

Mr. BURSUM. This is the same bill which was passed by the Senate at the last Congress. The bill is to take care of flood sufferers who suffered great damage by reason of the construction of a dam by the Reclamation Service, thereby causing a great flood of water on account of sudden, torrential rains, which destroyed practically the whole community. The Senate passed this bill at the last Congress, and this is a similar bill, introduced by my colleague [Mr. JONES].

Mr. McKELLAR. How much is appropriated?

Mr. BURSUM. Seventy-five thousand dollars.

Mr. OVERMAN. Let the bill go over.

Mr. McKELLAR. I think it had better go over.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Objection is made, and the bill will be passed over.

ERIE RAILROAD CO.

The bill (S. 935) for the relief of the Erie Railroad Co., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claims of the Erie Railroad Co. against the United States for damages alleged to have been sustained to its car float, cars, and the contents thereof in New York Harbor on July 6, 1922, may be submitted to the United States Court for the Eastern District of New York, under and in compliance with the rules of said court sitting as a court of admiralty: *Provided*, That the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability with costs as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT ANDREWS.

The bill (S. 1307) for the relief of Albert Andrews for loss of personal effects while serving with the military forces of the United States was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert Andrews, formerly corporal, Band Company, One hundred and sixty-fourth Infantry, Forty-first Division, United States Army, the sum of \$288, such sum being in full satisfaction of all claims on account of personal effects of said Albert Andrews lost in transit from Hempstead, N. Y., to Mayville, N. Dak.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 1568) for the relief of certain officers in the United States Army was announced as next in order.

Mr. McKELLAR. Mr. President, unless there is some explanation of this bill, I suggest that it go over.

The PRESIDING OFFICER. The bill will be passed over.

ANNIE H. MARTIN.

The bill (S. 1316) for the relief of Annie H. Martin was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Annie H. Martin, of Carson City, Nev., the sum of \$545.02 to enable her to make payment of a liability incurred by her as acting assayer in charge, United States Mint, Carson City, Nev., for losses in operating on bullion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRACTICE AND PROCEDURE IN FEDERAL COURTS.

The bill (S. 624) to amend the practice and procedure in Federal courts, and for other purposes, was announced as next in order.

Mr. McKELLAR. Mr. President, I should like to hear from the Senator who introduced the bill.

Mr. CARAWAY. Mr. President, this is a bill providing merely for the practice and procedure in Federal courts. It has a unanimous report from the Committee on the Judiciary. It passed the House of Representatives at one time without a dissenting vote. It is an effort to make the practice and procedure in the Federal courts conform to that in the State courts, and denies to a Federal judge the right to express an opinion as to the credibility of witnesses or the weight of the testimony.

Mr. McKELLAR. I indorse very heartily the bill, as far as it goes. I think it might go further, but I am not going to object to its passage at this time, hoping that hereafter we can add other restrictions upon the power of Federal judges to direct juries to bring in verdicts.

Mr. REED of Pennsylvania. I ask that the bill go over. It seems to me it ought to be discussed.

Mr. CARAWAY. I hope the Senator will not object to the consideration of the bill. To start in with, when I was in the House I introduced the bill, and Mr. GRAHAM, a Member of the House from Philadelphia, and I worked on it and agreed upon it, and it passed the House without a dissenting vote. The same measure was introduced here, and the amendments are simply a change of language. It received the unanimous report of the Committee on the Judiciary. The subcommittee that considered the bill was composed of the Presiding Officer of this body, the Senator from Iowa [Mr. CUMMINS], and the Senator from Kentucky [Mr. ERNST]. It received quite a thorough going over in the committee.

Every suggestion is embodied in it. The chairman of the committee, the Senator from Connecticut [Mr. BRANDEGEE], the Senator from Montana [Mr. WALSH], and others took a great deal of interest in it. I sincerely hope the Senator will not object to its consideration.

Mr. REED of Pennsylvania. I am perfectly willing to have the bill considered on its merits. It seems to me that the power of a United States judge to express his opinion, based on his long experience on the bench, to a jury which is called in, perhaps made up of men who never before have served in a court, has been a wholesome one. I think it has made for greater justice and a better administration of justice in the Federal courts. I believe that it ought to be preserved. I do not agree with my lawyer friends who would make a trial judge a mere automaton, sitting up there and allowing verdicts to go on what he feels confident is perjured testimony, without power to comment to the jury on the inconsistencies of the statements of one witness or another. Why, Mr. President, I think justice is furthered by retaining that power in the trial judges of the Federal courts, and for that reason I object to it as a matter of principle.

Mr. CARAWAY. Mr. President, I presume the Senator will concede that all of us have some question of principle at stake in it. Others do not agree with him. Therefore, he ought not to insist that his individual opinion shall override the opinion of the Senate and give the Senate no chance to pass upon it.

Mr. REED of Pennsylvania. The Senator did not understand me. I mean to say that I oppose the bill because of what seems to me to be a matter of principle. I realize that the Senator is equally entitled to his opinion, and I do not want to object to the present consideration of the bill, but I do hope the Senate will see fit not to pass the bill.

Mr. CARAWAY. I beg the Senator's pardon; I misunderstood him.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

Mr. REED of Pennsylvania. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Adams	Dial	Johnson, Minn.	Ralston
Ashurst	Dill	Jones, Wash.	Ransdell
Borah	Edge	Kendrick	Reed, Pa.
Brandeggee	Edwards	Keyes	Sheppard
Brookhart	Elkins	Ladd	Simmons
Broussard	Ferris	Lodge	Smith
Bruce	Fess	McKellar	Smoot
Bursum	Fletcher	McKinley	Spencer
Cameron	Frazier	McLean	Stanfield
Capper	George	McNary	Swanson
Caraway	Glass	Neely	Trammell
Colt	Hale	Norris	Wadsworth
Copeland	Harreld	Oddie	Walsh, Mass.
Couzens	Harris	Overman	Walsh, Mont.
Curtis	Hedlin	Pepper	Weller
Dale	Howell		Willis

Mr. McKELLAR. Mr. President, I desire to announce that my colleague [Mr. SHIELDS] is detained on account of illness. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, a quorum is present.

Mr. REED of Pennsylvania. Mr. President, the bill on which the Senate is now asked to pass ought to be understood, I think, by the Senators before they vote on it. It will mean that in the trial of a jury case in a Federal court the United States judge, no matter what his experience, or what the inexperience of the jury may be, no matter what the lack of credibility of a witness may be, must sit on the bench and send the case to the jury without calling attention or indicating an opinion as to the value or lack of value of any witness's testimony. The judge may express no opinion, even though he is certain that a verdict one way or the other would be against the weight of the evidence, and even though a witness has contradicted himself hopelessly the judge can not call attention to that. He must treat that witness, in his references to the testimony, exactly the same as a witness whose testimony is corroborated by a hundred circumstances.

It reduces a judge to practical impotence. I think the present system has worked very well for 135 years, and there is no occasion for changing it. I hope the Senate will not pass this bill.

The PRESIDING OFFICER. The Secretary will state the first amendment.

The READING CLERK. On page 1, line 4—

Mr. PEPPER rose.

Mr. DALE. I want to ask the junior Senator from Pennsylvania his opinion as to the requirement of the bill that the judge shall deliver his charge in writing.

Mr. REED of Pennsylvania. That merely adds to the difficulty of the trial judge. In most courts the practice is for the judge to deliver his charge orally, and have it taken down by a stenographer. Then it is subject to a further consideration afterwards.

Mr. DALE. Is it not almost impossible for a judge to write out his opinion between the introduction of the evidence and the turning over of the case to the jury?

Mr. REED of Pennsylvania. I have never known a court in which that practice prevailed. It would seem to me that it would necessitate a considerable recess between the closing of the evidence and the summing up of the case, if that practice were adopted. I would like to have the Senator who introduced the bill tell us what seems to him to be the advantage of having the trial judge reduce his charge to writing before delivery, and the advantage of having the charge delivered before the arguments of counsel.

Mr. CARAWAY. That is the law in very nearly every State in the Union.

Mr. REED of Pennsylvania. I have tried cases in a good many States, and I have never seen that done.

Mr. CARAWAY. Unfortunately, I have not tried cases, then, in States where the Senator has tried them, because I have never seen the rule otherwise.

Mr. DILL. In my State that is always the rule in the trial of cases.

Mr. REED of Pennsylvania. That the charge is written out before it is delivered?

Mr. DILL. The judge delivers his charge in writing.

Mr. WALSH of Massachusetts. Before the arguments of counsel?

Mr. DILL. Before the arguments of counsel.

Mr. NORRIS. Mr. President, I just came into the Chamber, and consequently do not know the parliamentary situation. I

do not know what amendment is pending. Will the Chair advise me?

The PRESIDING OFFICER. The Secretary had just started to state the first amendment when the Senator from Pennsylvania [Mr. PEPPER] rose. The Secretary will state the first amendment.

The READING CLERK. On page 1, line 4, after the word "court," strike out the words "triable by jury, in which the jury has been impaneled to try the issue of facts," and insert in lieu thereof the words "tried by a jury."

The PRESIDING OFFICER. That is the pending amendment.

Mr. NORRIS. I want to discuss the proposition involved in some of the committee amendments. I believe the provision found in one of the amendments that the judge shall deliver his charge before the arguments of counsel ought to be eliminated. I do not believe that is good practice.

Mr. CARAWAY. May I interrupt the Senator right there?

Mr. NORRIS. Certainly.

Mr. CARAWAY. That provision came into the bill in this way: In most of the code States, in my State, among others, the judge is required to deliver his charge before the arguments of counsel. In other States that rule does not prevail. It was the belief of the committee that the practice ought to be uniform within a State, and therefore there is a provision on page 2 of the bill that in those States where the practice in the State courts is for the judge to charge the jury after the arguments, the same rule shall prevail in the Federal courts. The idea is to make the Federal judge sitting in the State conform to the procedure in the State courts.

Mr. NORRIS. I observe the language, which I had not before noticed. I think that it is proper to have the Federal practice conform to the State practice. I want to say just a few words about the bill.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. NORRIS. I yield.

Mr. FLETCHER. Does not the Senator think that really the provision in section 2 as originally written is preferable to the amendment; that is, instead of striking out from line 1 to line 5, inclusive, on page 2, as reported by the committee, the original language is a better expression of the idea and a better provision than the provision that the judge shall charge in writing? Under the laws of Florida, for instance, the charge shall be in writing if requested by counsel.

Mr. NORRIS. Mr. President, my own idea is that we ought to make it mandatory by statute, compel the judge in a jury case to reduce his instructions to writing.

Mr. CARAWAY. May I make a suggestion to the Senator as to this particular amendment? I think all in the committee finally agreed that if the case were of such minor importance that the parties did not insist on the charge being in writing, they could waive that, although the law says it shall be in writing. The attorneys in the case may waive that if the case is of such minor importance that neither side desires to have the instructions of the court in writing.

As to the other idea, that it shall be in writing, some members of the committee were of the opinion that if it was only to be put in writing at the request of one of the parties it might raise in the judge a prejudice against some litigant or his attorney who insisted upon the charge being in writing, and therefore it is so worded that the charge must be in writing; but of course we understand that if the parties do not insist upon it it may be waived.

Mr. NORRIS. I suppose most Members of this body have had experience in the trial of jury cases, a good many of them as attorneys, many of them as judges, and their experience has extended over a great many years in most cases. An attorney who had been practicing exclusively in United States courts, where the judge delivered his charge orally, and was not familiar with the practice where the judge was required to reduce his charge to writing, would be perhaps impressed very much as was the Senator from Pennsylvania. He would think that such a practice would mean delay, and too many inconveniences and hardships on the trial judge. I want to assure the Senator from Pennsylvania, from an experience of a great many years, both as an attorney at the bar trying lawsuits in both criminal and civil cases and as a judge who has been required to reduce his instructions to writing, that no such condition arises on account of that kind of a law.

It very often occurs that when a trial is finished, if the attorneys waive argument, as they do sometimes, and submit the case, so that it is submitted to the jury, or if it is for any other reason submitted to the jury abruptly, and the judge

has not prepared his instructions, a stipulation may be entered into in open court that the judge shall charge orally and a stenographer take it down, and that each party can have his exceptions noted after it has been written out and after the jury returns a verdict. That can be done by agreement.

Mr. CARAWAY. Certainly, if the judge does not understand the law well enough to reduce his charge to writing, he should not be permitted to just talk about it, should he?

Mr. NORRIS. Certainly not. I have always felt that way. But, in my judgment, one of the faults I have to find with the United States courts is that the judges instruct the jury orally and express an opinion about this man and that man or this witness and that witness.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 5, the general pension bill.

Mr. NORRIS. Is there objection to finishing consideration of the bill which we have been discussing?

Mr. BURSUM. Will it take long?

Mr. NORRIS. I am sure I do not know. I was almost in the middle of a sentence and I want to finish what I have to say, anyway. I can do that no matter whether the unfinished business is laid aside or not.

I feel deeply about this practice, Mr. President, because while my experience is not worth more than anybody else's, I have had most of my life until I came to Congress devoted to this very thing. The idea of permitting a judge sitting on the bench, with all the secret power and unexpressed ability that he has, to control a jury by the simple expression of an opinion is something that is liable to turn any lawsuit one way or the other. I am not complaining that the judge occupies such an exalted position. I want him to be respected in just that way by the jury, so it is in no sense a criticism of the court, but the trial ought to be free from that influence. It is the duty of the judge to tell the jury that the jury are the judges of the credibility of the witnesses and not the presiding judge, and he never ought to express an opinion one way or the other.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. NORRIS. Certainly.

Mr. REED of Pennsylvania. Do we not get the same result exactly when we allow the judge to order a new trial if in his judgment the verdict is against the weight of the evidence? Is it not the common-sense thing to reach that result directly by letting him state what in his opinion is the weight of the evidence?

Mr. NORRIS. No; not by any means. I take it that no one will dispute the proposition of law that the credibility of a witness is an exclusive function for the jury and not the court. They have a right to judge by the appearance of a witness, by the reasonableness of his testimony and the story that he tells, by the fact that he is contradicted or corroborated by circumstances, or other evidence in the case, and the amount of weight to be given to the corroboration or denial, or any circumstances proved on the trial that tend to uphold or to overthrow a man's testimony. The weight that should be given to it is not for the judge, but for the jury.

I do not believe anybody will dispute the proposition of law that the judge ought to tell them so, and he ought to refrain from saying to the jury, "I think this man's story is rather doubtful," or "this man looks as though he was a good fellow and you ought to give his testimony a good deal of weight." That is outside of his duty, and he ought to be compelled to put in writing everything he says to the jury, and let either side except to the instructions, and the reviewing court then has the power and the jurisdiction to pass thereon.

Mr. PEPPER. Mr. President—

Mr. NORRIS. I yield to the Senator from Pennsylvania.

Mr. PEPPER. I apologize to the Senator for asking a question about a matter that he passed away from in his argument. He spoke first of the second section of the bill, which is the one that deals with the requirement that the charge shall be delivered before argument of counsel, except in States where the practice is otherwise. I wanted to ask the Senator how it worked in practice to follow the procedure there indicated of allowing counsel to have the last word, as it were, before the case goes to the jury, rather than that the jury should go out with the instructions of the court ringing in their ears.

Mr. NORRIS. My own idea is that the judge ought not to be required to deliver his instructions before the argument. He ought to give his instructions after the argument.

Mr. PEPPER. As I understand it, the bill provides otherwise.

Mr. NORRIS. The bill, unless there is a different practice prevailing in the State courts, makes it conform to that practice, whichever way it may be.

Mr. FLETCHER. The amendment provides "at the conclusion of the evidence and before argument."

Mr. NORRIS. It is provided that if the State practice is, otherwise he shall follow the State practice.

Mr. PEPPER. I happen not to be familiar with the practice in accordance with which the counsel make argument after the charge has been delivered to the jury. The traditional practice in my part of the country has been the other way. I wanted information from the Senator or from any Senator who could give it to me as to what the actual operation is.

Mr. NORRIS. The actual operation under the bill, as I understand it, in the Senator's State would be to follow the practice, whatever it may be, in his State.

Mr. PEPPER. I am not thinking of it exclusively with reference to my own State. I want to vote intelligently upon the measure, which will be nation-wide in its application. I want enlightenment on the question of the practical expediency of allowing counsel to comment upon the charge of the court already delivered, and to tell the jury what counsel think of the court rather than leaving it with the court to tell the jury what the court thinks of counsel. I have often been in a position, after hearing the charge of the court, of great anxiety to rise and ventilate my views about what the judge had said for the benefit of the jury, but it has always seemed to me a wholesome restraint upon me that I was not at liberty to do so. I want to know how it works when it is the other way around.

Mr. NORRIS. I suppose that if an attorney was arguing the case following the instruction of the court to the jury, and the instruction of the court to the jury was contrary to what the attorney was advocating and perhaps believed was the law in the case, it would make it embarrassing for him. It would be just as embarrassing, however, if the attorney had told the jury what he thought about it and the judge told the jury that the law was something else.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. NORRIS. With pleasure.

Mr. CURTIS. I merely want to say a word in connection with what the Senator just said. That has been the experience of practitioners in Kansas, where we have, under the code, instruction by the judge before argument. In the United States courts in Kansas the judge does not instruct until after the argument of counsel. Of course, if counsel states the law one way and the judge states it another way, counsel may find himself embarrassed.

Mr. NORRIS. That would be true whether he said it before the judge charged the jury or afterwards. Of course, it is the duty of the jury, and the judge will tell them so if the question arises, to take their view of the law from the court and not from the attorneys.

Mr. CARAWAY. May I suggest that I do not presume there is a jurisdiction at all where the judge would not immediately stop an attorney if he would undertake to say that what the court said is the law is not the law.

Mr. NORRIS. I presume the court would stop him immediately.

Mr. CARAWAY. He must accept the law as given by the court. The only chance he has is to show, under the instructions of the court and the facts as testified to, that he is entitled to win. How much more intelligently he may adopt his argument to the facts when he knows what the court will declare the law to be than he could if first required to go ahead and say, "These are the facts and I think this is the law," and have the court then come along and say, "You are wrong about the law."

Mr. PEPPER. I would dislike to try a case under that practice against the Senator from Arkansas, because I know that without violating the rule he would manage to get across to the jury the idea that he and not the court knew the law.

Mr. CARAWAY. Of course, that is a left-handed compliment, in which the Senator undertakes to say, without quite saying it, that I am unfair.

Mr. NORRIS. The first people in the world to detect whether the attorney is unfair would be the jury.

Mr. CARAWAY. Or some other lawyer.

Mr. NORRIS. They are not numskulls and they know what is going on. They know lots of times better than the lawyer whether the lawyer is fair or whether he is trying to take advantage or trying to make a misrepresentation. But we can not cure those things. There is no attempt to cure them by this legislation.

The great evil in it is the danger that the United States judge from his exalted and dignified position will drop to the jury opinions as to the weight of the evidence, the credibility of the witnesses, and so forth, and thus control the decision of the jury in a line where he has not any business to control it. If he were compelled to submit his instructions in writing to the jury, then everything he says is a matter of record, and if it is reversible error the appellate court will reverse the case. In addition to that, the jury can take the instructions with them to the jury room. They are written. The jurors can look at them and reexamine them at their leisure if they should have a dispute as to what the law is on any point involved in the case.

I will say to my friend from Pennsylvania that it will not work out in practice like he has outlined; at least, I have not seen it work out that way in practice, and I have seen it operate for a great many years. It is very seldom if the court instructs a jury after the argument that there is ever a moment of debate. The judge will prepare his instructions during the trial of the case. Assuming it is a case that runs over several days, he will dictate the issues as they are outlined in the pleadings before half of the evidence is given, and his stenographer will write them out. During the argument to the jury he himself may write instructions. Something may arise during the argument that makes him think he ought to give another instruction on this point or that. So when the attorneys are through with the argument the judge starts in to give his instructions.

Mr. FLETCHER. Mr. President, I think a great deal of this measure. I have seen the judge of a Federal court in an actual case on trial before that court sit and hear the testimony all presented and hear the arguments of counsel, with his back generally turned to counsel, and when they finished address the jury and say, "Gentlemen of the jury, you shall bring in a verdict for the plaintiff in this case. You can retire and return with your verdict." That is all the charge he made and that was simply a direction upon the facts. I submit that ought to be changed.

Mr. NORRIS. I do not want to be considered as claiming that a judge should not give a direct instruction for a verdict either for the plaintiff or the defendant if the evidence and the law warrant it in his judgment. But in a disputed case, in a contested case, the judge ought to remain entirely within his realm, and all United States judges do not do that. It is quite a common thing for some judges—not all of them of course, not half of them, but there are United States judges who, by a little remark here and a little remark there, express an opinion that they have no business to express that will influence the jury and control their verdict.

Mr. PEPPER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. NORRIS. I yield.

Mr. PEPPER. I wish to inquire of the Senator whether under the bill as drafted the trial judge would be at liberty in his opinion to direct a compulsory nonsuit in a proper case.

Mr. NORRIS. I should think so.

Mr. PEPPER. The provision is that he may direct a verdict. There is a proviso which saves that right to direct a verdict, but it seems to me if it is necessary by proviso to save the right of the court to direct a verdict, the proviso ought to cover also the right to enter a compulsory nonsuit.

Mr. NORRIS. It may be that it should. I am not trying to debate the details of the bill but the general principle. The thing in which I am particularly interested and that which I think the bill in the main seeks to serve—I mean the main object of it—is to compel a United States judge to give his instructions in writing instead of giving them orally, unless counsel in the case agree that he should give them orally.

Mr. GEORGE. Mr. President—

Mr. NORRIS. I yield to the Senator from Georgia.

Mr. GEORGE. In reply to the suggestion or inquiry propounded by the Senator from Pennsylvania, it seems to me that the language of the bill preserves the right to direct or instruct a verdict, and it would necessarily follow that the court would have the right to sustain the motion, if there was in fact no issue presented by the evidence in the case.

Mr. NORRIS. I think so.

Mr. GEORGE. In one case he is dealing with a motion and in the other with the finding of the jury.

Mr. NORRIS. Yes; that is true.

Mr. GEORGE. Wherever the jury is to find, either at the instruction of the court or as a result of deliberation on the part of the jury, then there should be no expression of opinion except where there is no issuable defense. But where it is simply a question of a motion—a nonsuit case—I think it would

necessarily follow that that power would still remain in the court. That is a matter that always has been in the court uninfluenced by the jury.

Mr. PEPPER. Would the Senator from Nebraska be of the opinion that the language of the first section of the bill makes it unlawful for the court to comment upon the probative value of different kinds of evidence, as, for instance, to call attention to the fact that evidence less than the best evidence has been received, or to the different degrees of credibility of different kinds of documentary evidence? The provision is very sweeping, and I merely am desirous of eliciting the impression of the Senator respecting whether or not we are going a little too far in trying to accomplish a good purpose.

Mr. NORRIS. I do not see anything that might be so construed in the language, unless it would be the amendment which reads "or value of the evidence." The judge ought not to express an opinion as to the credibility of witnesses. He will instruct the jury about the credibility of witnesses, and those instructions will not be written for a particular trial, but he will have them in blank, because the instruction in regard to the credibility of witnesses would be the same in one case as in another. In criminal cases there will be always the questions as to reasonable doubt and the burden of proof; but instructions on such questions will be general. The judges always read them to the jury, and have probably prepared them in advance, in view of the pendency of the case. So the burden of preparing the instruction is not so great as it would seem.

I should like to say to the junior Senator from Pennsylvania [Mr. REED] before I go further into the question which has been asked by the senior Senator from Pennsylvania [Mr. PEPPER] that in a given State attorneys who practice in the United States courts and also in the State courts, usually prefer the practice in the State courts. In the United States court the judge is at perfect liberty to say anything he pleases and does not have to write his instructions down, but in a State court he is compelled to put in writing every word of instruction to the jury, and the State supreme court has always held that if a judge expressed an opinion to the jury as to the credibility of a witness, and so forth, it would be a reversible error. I repeat that attorneys practicing in both those courts, one day in one court and one day in the other, so far as I know in my whole experience without a single exception, prefer to practice in the State courts. There may be those who do not, but those of whom I have any recollection of ever having heard them express an opinion thought the practice in the State courts was much more preferable and much more satisfactory and resulted in a greater degree of justice in the administration of the law.

Mr. PEPPER. Mr. President, I was not venturing to differ from the Senator upon that point. I wished to direct attention to the language of the amendment as it appears in the eighth line with special reference to the words "or value of the evidence." That language gives me some concern.

Mr. NORRIS. It may be that there is some danger in that. I do not care to discuss it now, because the bill has gone over anyway. It may be that there ought to be some change in that language.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. GEORGE. If the bill is going over, I merely wish to make a suggestion.

Mr. NORRIS. I yield the floor.

Mr. GEORGE. I wish to make a suggestion to the Senator from Pennsylvania. I do not think in any case the trial judge ought to express an opinion as to the weight of the evidence. I think he ought to give the rules by which the jury are to weigh the evidence and to let them weigh the evidence. We have in my State what we know as the "dumb" act. It prevents a judge from expressing an opinion on any disputed issue of fact or as to the credibility of any witness or as to the weight of any evidence; and yet the judge can give all of the rules by which evidence is weighed; but he must leave it to the jury to determine the weight of evidence and the credibility of the witnesses, under proper instructions.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Georgia yield for a question?

Mr. GEORGE. Yes.

Mr. REED of Pennsylvania. In the Senator's State, is it within the power of the trial judge to order a new trial if he regards the verdict as against the weight of evidence?

Mr. GEORGE. Yes, sir.

Mr. REED of Pennsylvania. Does not the Senator think it is pretty hard on litigants to expose them to two or three trials when they might just as well obtain the result in the first trial?

Mr. GEORGE. No; I do not think so, Mr. President, because there exists quite a different situation. The jury ought to be at liberty to find its own verdict, uninfluenced by expression or intimation of opinion by the judge. If, after the jury has found its verdict, the judge is not satisfied with it, if he does not believe it is supported by the evidence or it is strongly against the weight of the evidence, then he has the additional power, as a safeguard to the litigant, to exercise his authority and to grant a retrial of the case.

Mr. REED of Pennsylvania. I agree with the Senator that the jury must be, and ought always to be, the judges of the credibility of the witnesses; but it seems to me that it is exposing the litigants to unnecessary delay and expense to force them to try their cases over and over again. I remember one case in which I was counsel where we had to try the case six times because the jury persisted in believing evidence that the court thought was unworthy of credence. We would have secured a much quicker result, at much less expense to the Government and to the litigant, if we had reached a result in the first place and then had an appeal.

Mr. GEORGE. It is quite true that does occasionally happen, of course; but the true rule, in my judgment, is—and I think this bill is worthy of our support—that the judge ought not to express or intimate an opinion on any disputed issue of fact, or on the weight of any of the evidence in the case, or on the credibility of any of the witnesses who testify in the case; but if there is a verdict which offends the conscience of the judge, after it has been rendered, he should exercise his authority and set the verdict aside.

However, I believe further that when the case comes on a review, as is provided in the laws of many of the States, the verdict should stand if it is supported by legal evidence, although the judge might think that the jury could well have found, or should have found, from his point of view the contrary verdict. In other words, a judge ought not to set his own finding of fact up against the finding of the jury, because the jury ought to determine the facts in the case.

Mr. McKELLAR. Mr. President—

Mr. REED of Pennsylvania. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. GEORGE. I yield first to the Senator from Tennessee. Mr. McKELLAR. In further answer to the suggestion of the Senator from Pennsylvania, who says that the practice he suggests would save time and the expense of further litigation, let me say that, on the contrary, I recall a number of cases in my own practice where at the close of the testimony the trial judge would turn to the jury and say, "Gentlemen of the jury, the court instructs you to bring in a verdict for the defendant." That put it upon the plaintiff to appeal to the court of appeals; and I recall in one particular case, when the facts of the case were stated by the counsel for the plaintiff, the appellate court, sitting in Cincinnati, turned to the lawyer on the other side and asked, "Has the counsel for the plaintiff stated these facts correctly?" and the counsel said, "Yes, your honor"; and then, after a whispered conference the court said "Well, on that state of facts, we simply reverse the case right here and now." That put the plaintiff to a litigation that he ought never to have been put to, and that he would not have been put to but for the power or the exercise of that power—I do not think there is any authority in the Federal Constitution for it—but for the exercise of that power by the trial judge. I have known of other cases of like kind which put the plaintiff to the expense and the delay of appealing. While justice was finally done, it was after great expense and delay. So it makes both ways, as the Senator from Georgia so well said a few moments ago.

Mr. REED of Pennsylvania. In section 1 the power to direct a verdict is retained in the trial court; so that it would not affect such a case as that to which the Senator from Tennessee has referred.

Mr. GEORGE. That is right; the power to direct a verdict is retained. The power of the court to sustain a motion as to the legal sufficiency of the evidence, of course, is not affected by this bill, because that never has been a question for a jury, but it often works a hardship on litigants where the judge has erroneously sustained or erroneously overruled a motion for a nonsuit or has erroneously directed a verdict.

Mr. KING. Mr. President, will the Senator yield?

Mr. GEORGE. Certainly.

Mr. KING. Or erroneously submitted a case to the jury when he ought to have directed a verdict.

Mr. GEORGE. Yes; when he ought to have directed a verdict. Of course, the converse of that is also true; but the clear distinction, it seems to me, is that it is the province of the jury to determine the facts of the case, the disputed issues of fact, and it is not the province of the court, and the court ought never to set aside a verdict merely because, in his opinion, the jury could have found the other way. He should set aside a verdict only when it is so strongly against the weight of the evidence as to shock his moral conscience as a judge or when there is no legal evidence to sustain it. He ought not, however, to confuse the function of the judge with that of the jury, one being to find the facts and the other being to administer the law through the medium of both the judge himself and the jury.

Mr. REED of Pennsylvania. Mr. President—

Mr. GEORGE. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. The Senator from Georgia has stated very well what seems to me to be the true principle, and with that I have no quarrel whatever. Now, will the Senator answer a further question? If the testimony, being so far on one side or the other that a verdict contrary to it would shock the discretion of the trial judge, does not the Senator think that, as a matter of common sense, the judge should state the fact to the jury at the time instead of keeping it a secret that he thinks the testimony is overwhelmingly on one side? Does not the Senator think that the ends of justice would be furthered by such procedure?

Mr. GEORGE. I do not, Mr. President; because it involves a confusion of the function of the judge with that of the jury. It never is, in causes properly for a jury, the province of the court to find the facts; and if the facts, as the jury has found the facts, offend the judge, then he has the power to grant a new trial and to send the case back to another jury; but he ought not to go outside of his province as a judge and go over into the province of the jury.

Mr. REED of Pennsylvania. I quite agree with the Senator as to that.

Mr. GEORGE. I see the Senator's point; it looks as though our courts ought to be purely business institutions and litigation ought to be handled purely as a business proposition and never as a matter of sentiment. Yet so long as we have the jury and so long as we have the judge, they should remain in their respective spheres and should not overlap one the other; but the judge has always the power to set aside a verdict, and will set it aside so long as he pleases under the usual practice and order a retrial of the case before another jury.

Mr. NORRIS. And it is not even a reversible error if he exercises that discretion.

Mr. GEORGE. It is not reversible error at all; it is discretionary with the court.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. GEORGE. I yield.

Mr. KING. Does not the Senator state the proposition too broadly? Does not the Senator believe that it is the duty of the court, after the evidence is all in, if he believes a verdict ought not to be rendered for the plaintiff, if a verdict shall be granted for the plaintiff, to set it aside or direct a verdict or grant a voluntary nonsuit?

Mr. GEORGE. Mr. President, he could not grant an involuntary nonsuit if there was any legal evidence to sustain that verdict, whatever might be the opinion of the judge; and he ought not to direct a verdict even though he believed that a contrary verdict would be strongly against the weight of the evidence and would shock him, because it is not his duty to weigh the facts under either the English or the American system of jurisprudence.

The power of a Federal judge to express an opinion upon a disputed question of fact, or upon the credibility of a witness, is not nearly so broad as it is commonly supposed to be. As a matter of fact, a Federal judge has not any right to express an opinion upon the credibility of particular testimony; and when it comes to the final test he must say to the jury that the credibility of that witness is for the jury. He may give to the jury the benefit of his experience and of his observation and of his ability to apply rules of evidence to human testimony; but, after all, he can not invade the province of the jury.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. GEORGE. I do.

Mr. McKELLAR. I indorse every statement that the distinguished Senator from Georgia has made on this subject; and now I want to ask him about the proviso:

Provided, That nothing herein contained shall prevent the court directing a verdict when the same may be required or permitted as a matter of law.

Before the Senator answers the question, may I call his attention to the provisions of the Federal Constitution under which Federal judges must act, and under which only they must act? The sixth amendment provides:

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury—

Of course, that does not mean one where the judge sways the decision—

of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation—

And so forth.

The seventh amendment is as follows:

In suits at common law, where the value in controversy shall exceed \$20, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

There are one or two questions that I want to ask the Senator about that.

Under the sixth amendment, does the Senator believe that a Federal judge has the right to direct a verdict in criminal prosecutions?

Mr. GEORGE. I do not—that is, not a verdict of "guilty." He may sustain what in effect at common law was a demurrer to the evidence.

Mr. McKELLAR. Of course; I understand that, but I am talking about directing a verdict. In the next place, his only authority is under this constitutional provision. There is no provision that he may comment upon the evidence; that he may weigh the evidence and direct the jury what verdict to find; so it seems to me that under the seventh amendment it was never intended that a judge should direct a verdict, and I should like to have the opinion of the Senator from Georgia on that subject.

Mr. GEORGE. Mr. President, I should not be able to agree that the judge never should direct a verdict; because if there is no legal evidence—that is, no evidence which is sufficient to sustain a verdict—then the judge should direct the verdict as a matter of right to the litigants and as a matter of relieving them of unnecessary expense of future trials.

Mr. McKELLAR. Mr. President, if the Senator will permit me to interrupt him again, that is to a great extent a matter of opinion. I have known cases where the judge had directed a verdict on the ground that there was no evidence, and the case went to the court of appeals, and the court of appeals reversed it and said that it did show evidence; it went to a jury again, and the jury found upon that very evidence in favor of the plaintiff, and the verdict was paid.

Mr. GEORGE. That is quite true. That is where the judge erroneously adjudged that there was not evidence which would have sustained a verdict contrary to the one directed by him.

Mr. SWANSON. Mr. President, if the Senator will permit me—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Virginia?

Mr. GEORGE. Yes; I yield.

Mr. SWANSON. It seems to me this bill is clearly right. If a man wants to take the opinion of a judge on the law and evidence, he can demur to the evidence, and if there is nothing there to sustain a verdict the demurrer to the evidence is sustained, and the judge renders his verdict, or he can move for a new trial; but of all the outrageous things that I have frequently seen in Federal courts, one of the most outrageous is the judge delivering the law at the conclusion of the argument and then taking charge of the evidence, too. In such a case he is both judge and jury.

The Anglo-Saxon idea is to let the judge administer the law and let the jury administer the facts, and let the combination of the two apply the facts to the law as propounded by the judge. That is the Virginia system. If a man is satisfied that

there is no evidence to justify a verdict, he can demur to the evidence, and the court then has jurisdiction of both the evidence and the law; but a man ought not to be driven to the necessity of having a judge, without a demurrer, passing on both the law and the evidence.

Mr. GEORGE. I quite agree with the observations of the Senator from Virginia, and I have taken up quite too long on this measure. I merely rose to reply to some suggestion or inquiry made by the Senator from Pennsylvania. While I am on my feet, I may say that it often has been a debated question whether in any case a judge should direct a verdict, but it is entirely too senseless a procedure to prohibit the judge from directing a verdict when there is no legal evidence to sustain that verdict, and therefore I think he ought to have that power. I think that ought to be retained by him.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. GEORGE. Just one minute. I think, also, that the judge should have, and he does have, even under the so-called "dumb" acts, which are much more drastic than this bill, the power to summarize the evidence. He has the power to give all the rules by which evidence is weighed. He has the power to suggest what is evidence of first importance and what is evidence of second importance. In other words, he has the full power to bring to the trial of the case those concomitants that have grown up around trial by jury in the English and in the American system.

I think this bill is altogether worthy of the support of the Senate, as I have already suggested, because I think it will remove the temptation to abuse the discretion and power which Federal judges have sometimes exercised. I would not myself require the judge to put his charge in writing, though I have seen instances which appeared to justify so drastic a provision as that. I think the better practice is, as stated in this bill as originally drawn, that on the demand or request of counsel the judge should reduce his charge to writing; but I appreciate the objection to that made by the author of the bill, the Senator from Arkansas.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a suggestion?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. GEORGE. I yield; but I am perfectly willing to yield the floor, because I did not intend to occupy it so long.

Mr. REED of Pennsylvania. It occurs to me that the principal difficulty with the bill as it now stands is that it forces a peculiar practice on some of the States in which no court at present follows that practice. For example, in Pennsylvania we have in no court, so far as I know, the practice of reducing the charge to writing before it is delivered. I quite see the force of the suggestion that in States where that is the general custom it ought to be followed in the Federal courts; and as a practical suggestion may I suggest that the bill go over now, and that such slight amendment as it needs to protect the local practice and to make it uniform can be doubtless agreed to in a few brief moments, and then we will not take so much time in debate when the bill comes up the next time.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Pennsylvania that the bill has gone over.

Mr. REED of Pennsylvania. I was going to suggest that the discussion go over, as well as the bill.

AMENDMENT OF INTERSTATE COMMERCE ACT.

Mr. SMITH. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside in order that we may consider Senate bill 2704, order of business 302. I do not think it will lead to any discussion. It is simply a bill for the adjustment of claims growing out of overcharges and undercharges arising from the reciprocal relation between the railroads and the shippers.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Senate bill 2704. Is there objection?

Mr. BURSUM. Mr. President, with the understanding that the bill will not entail any discussion, I have no objection.

The PRESIDING OFFICER. The Chair hears no objection. The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2704) to amend paragraph (3), section 16, of the interstate commerce act, which was read, as follows:

Be it enacted, etc., That paragraph (3) of section 16 of the interstate commerce act be, and the same is hereby, amended to read as follows:

"(3) (a) All actions at law by carriers subject to this act for recovery of their charges, or any part thereof, shall be begun within three years from the time the cause of action accrues and not after.

"(b) All complaints against carriers subject to this act for the recovery of damages not based on overcharges shall be filed with the commission within two years from the time the cause of action accrues and not after, subject to subdivision (d).

"(c) For recovery of overcharges action at law shall be begun or complaint filed with the commission against carriers subject to this act within three years from the time the cause of action accrues and not after, subject to subdivision (d), except that if claim for the overcharge has been presented in writing to the carrier within the three-year period of limitation said period shall be extended to include six months from the time notice in writing is given by the carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice.

"(d) If on or before expiration of the two-year period of limitation in subdivision (b) or of the three-year period of limitation in subdivision (c) a carrier subject to this act begins action under subdivision (a) for recovery of charges in respect of the same transportation service, or, without beginning action, collects charges in respect of that service, said period of limitation shall be extended to include 90 days from the time such action is begun or such charges are collected by the carrier.

"(e) The cause of action in respect of a shipment of property shall, for the purposes of this section, be deemed to accrue upon delivery or tender of delivery thereof by the carrier and not after.

"(f) A petition for the enforcement of an order of the commission for the payment of money shall be filed in the district court or the State court within one year from the date of the order and not after.

"(g) The term 'overcharges' as used in this section shall be deemed to mean charges for transportation services in excess of those applicable thereto under the tariffs lawfully on file with the commission.

"(h) The provisions of this paragraph (3) shall extend to and embrace cases in which the cause of action has heretofore accrued, as well as cases in which the cause of action may hereafter accrue, except that actions at law begun or complaints filed with the commission against carriers subject to this act for the recovery of overcharges where the cause of action accrued on or after March 1, 1920, shall not be deemed to be barred under subdivision (c) if such actions shall have been begun or complaints filed prior to enactment of this paragraph or within six months thereafter."

Mr. KING. Mr. President, I should like to have some explanation of the bill.

Mr. SMITH. As I stated, it is simply a bill for the purpose of adjusting the statute of limitations in reference to both the shippers and the railroads.

Mr. McKELLAR. It is a bill that ought to be passed by all means, as I believe, and I hope there will be no objection to it.

Mr. KING. I thought the Senator from South Carolina was about to offer some explanation of the bill.

Mr. SMITH. Mr. President, if the Senate desires I will read the report on the bill, in order that Senators may get a clear idea of just what it means.

The Committee on Interstate Commerce, to which was referred the bill (S. 2704) to amend section 16, paragraph 3, to extend the time of filing claims for overcharge, having considered the same, report favorable thereon and recommend that the bill pass.

The proposed amendment extending the time for filing the claims of the shippers from two to three years is desirable, inasmuch as carriers are now allowed three years within which time to institute suits for the recovery of undercharges.

The Interstate Commerce Commission in a letter to the committee under date of February 25, 1924, in reference to the proposed legislation calls attention to the decision of the Supreme Court of the United States in *Kansas City Southern Railway Co. v. Wolfe et al.* (261 U. S. 133), which says:

"By its decision of February 19, 1923, in that case the court held that actions begun in the courts for the recovery of charges said to be in excess of the published rates when properly applied must be filed within the two-year period of limitations provided by section 16 of the interstate commerce act, that the lapse of time had destroyed any liability by the carrier to the shipper or his assignee for the alleged overcharge and that its demurrer, because the claim accrued more than two years prior to the institution of the action, should have been sustained. In so holding the court quoted with approval from what it said in *Phillips Co. v. Grand Trunk Western Railway Co.* (236 U. S. 662, 667), to the effect that the lapse of time not only bars the remedy but destroys the liability whether complaint is filed with us or suit is brought in a court of competent jurisdiction, and that the carrier was bound to claim the benefit of the statute and could do so by general demurrer.

"Prior to this decision carriers paid admitted overcharges if claims were presented to them within the periods of limitations provided by the State statutes, but under the doctrine of this case they are prohibited from paying, and the majority of the carriers now decline to pay, admitted overcharges unless action at law was begun in court or complaint filed with us within the statutory period provided by section 16. It is understood that a few of the carriers are not following the decision in the Wolf case. As a consequence of the decision in the Wolf case an increasingly large number of complaints for the recovery of overcharges are being filed with us by shippers, while others are resorting to court action."

In paragraph (c) of the proposed amendment provision is made for extending said period of limitation to include six months from the time notice in writing is given by the carrier to the claimant of disallowance of the claim in which the shipper may institute suit for the recovery of the overcharge.

I will state just here that that is really one of the most important items in this, a provision that in any case where the carrier disallows a claim the shipper has the right to file suit within six months thereafter.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAVANNAH RIVER BRIDGE, SOUTH CAROLINA AND GEORGIA.

Mr. HARRIS. I understand the Senator from New Mexico will not object to my request, and I ask unanimous consent for the consideration of the bill (S. 2538) to extend the time for the completion of the construction of a bridge across the Savannah River between the counties of Aiken, S. C., and Richmond, Ga.

Mr. BURSUM. With the understanding that the consideration of the bill will not take up any considerable time in debate, I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, on page 1, line 3, after the word "the," to strike out the words "time for the completion of the construction of a bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation between the counties of Aiken, S. C., and Richmond, Ga., at or near Augusta, Ga., authorized by the act of Congress approved August 7, 1919, is hereby extended to August 7, 1925," and to insert in lieu thereof the words "act approved August 7, 1919, authorizing the counties of Aiken, S. C., and Richmond, Ga., to construct, maintain, and operate a bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation at or near Augusta, Ga., be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein authorized be completed by August 7, 1925," so as to make the bill read:

Be it enacted, etc., That the act approved August 7, 1919, authorizing the counties of Aiken, S. C., and Richmond, Ga., to construct, maintain, and operate a bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation at or near Augusta, Ga., be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein authorized be completed by August 7, 1925.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to revive and reenact the act entitled 'An act authorizing the counties of Aiken, S. C., and Richmond, Ga., to construct a bridge across the Savannah River at or near Augusta, Ga.,' approved August 7, 1919."

PENSIONS AND INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows

of the War of 1812, and to certain Indian-war veterans and their widows, which had been reported from the Committee on Pensions with amendments.

The PRESIDING OFFICER. The bill has not been read. The Secretary will read the bill.

The bill was read.

Mr. DIAL. Mr. President, I desire to make my position understood with reference to the pending bill. I am opposed to paying a pension to any able-bodied soldier. Under a law enacted a few years ago all soldiers of the Civil War were made eligible for pensions, whether they were disabled or not. I think that was an error. That bill ought not to have been passed; but having passed, I feel that the pending bill is entirely out of place and is discriminatory against the soldiers of the Spanish-American War. I yield to no man in my respect for and admiration of a true soldier, irrespective of whatever war he fought in, but I feel that Congress is going to extremes in granting pensions. It seems that under any excuse or pretense great sums of money are to be paid out in pensions.

I am told that when President McKinley was a Member of the House many years ago and reported a bill increasing pensions he stated that would be the last increase that would ever be made in pensions for Civil War veterans. Instead of that being the case, in 1918 a large increase was granted, in 1920 another increase was granted, and now in 1924 a tremendous increase is asked for.

I do not know where we are drifting if we keep on extending this sentimentality. In fact, I hardly know how to characterize the practice of paying out pensions to people who are called soldiers, not necessarily who were wounded, not necessarily who were ever in a battle or anything of that sort.

I am heartily in favor, of course, of taking care of the wounded, the disabled, and their dependents, of any war, whether it was the Civil War or the war with Spain or the last war. But I do not believe the people of the country where these pensions go favor this method of partiality. It is partisan legislation, selective legislation, and it does seem to me that the Senate is stampeded. When a bill of this sort comes in it seems there is no effort to halt it or to prevent its passage. The Congress had the liberality or lack of decision last year to try to pass a bill here for people who dug post holes during the Civil War. I shall not be surprised if after a short while an effort is made to pension everybody who lived above the Mason and Dixon line, irrespective of what was done by them.

We were told many years ago that there would be no further increase in pensions, but in 1923 we paid out \$263,000,000, the largest amount that has ever been paid since the Civil War. It does seem to me that our good Committee on Pensions should stop to think about the people at home, the people who have to pay the taxes, the people who have to work, and that they should try to extend some justice and consideration to the people who pay the expenses of the Government. It is not only the soldiers and their dependents who need money with which to live, but the general population needs it. I feel that it is unwise to set up one class of our citizens who think they can live off the toil of the other classes.

Under the provisions of the pending bill the Civil War soldiers are to receive \$72 a month. Under the present law they get \$50 a month and in case they need an attendant, by going through a certain process \$22 a month more is granted to them. From what I have read and heard I understand that it is pretty much a mere form that they have to go through, and that the increase is nearly always granted upon request. In fact, I am afraid that Congress put that provision in the law in order to invite soldiers to ask for greater pensions.

Having been raised in the country as I was and knowing how hard it is to make money, I want to say that this amount of over a quarter of a billion dollars paid out in one year for this one purpose is an excessive sum. I can not see any justification for it. It seems to me to be a short-sighted policy upon the part of Congress and particularly the Committee on Pensions to bring in any such bill at this time. We are already taking good care of the soldiers and of their widows, notwithstanding some of the widows are quite young. I will not impugn their motives for marrying these old gentlemen. That has been commented on in the public press.

Furthermore, the bill enlarges the scope of those who are to be entitled to draw pensions. It takes in the home guard or militia, or by whatever name it may be known, composed of people who did not serve in the war at all, but merely were ready to serve. I think even some of those whose names were on the muster roll for only 90 days are to draw a pension.

Furthermore, I can not see the necessity of giving a pension to the soldiers of the Philippine insurrection or the Chinese Boxer rebellion, because my recollection is that those soldiers belonged to the Regular Army. They were volunteers, as were the soldiers in the war with Spain. They are taken care of under the general law and ought not to be included in the pending bill.

Another discrepancy found in the bill is that the Spanish-American War veteran can not draw a pension unless he is disabled, either totally or partially, and then the amount is much less than it is for the Civil War veteran. To my mind, the bill is gotten up simply as a bounty for the Civil War veteran.

After a while we will have a pension roll alone that will amount to more than it cost to operate the Government a few years ago. When we stop to think about the expenses of the people, the expenses of the Government, it is enough to require us to call a halt. It will be recalled that just a few years ago, before the last war, the national debt was only \$1,300,000,000. That increased to about \$26,000,000,000, but has been reduced to something like \$22,000,000,000. That shows, however, that it is time for the legislators of the country to be very guarded when we pass appropriation bills and increase taxes upon the taxpayers of the country. The people are already burdened beyond endurance. We just read in the paper yesterday where the ministry of France fell because of a pension bill, and that ought to be a warning to us. It is very easy for legislators to impose burdens upon the people, but when the burdens become unbearable and politics get too hot, the legislators can resign or retire, but they leave the burdens still hanging over the people. We ought to weigh all the facts very carefully before we vote away the people's money in that way.

Now, Mr. President, I want to move to amend the bill in various particulars.

Mr. BURSUM. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from New Mexico?

Mr. DIAL. I yield.

Mr. BURSUM. I desire to ask that the committee amendments be considered first, and then if the Senator has some other amendments to propose they can be offered after the committee amendments are disposed of.

Mr. DIAL. That is all right. I do not ask for any vote on my amendments now. A good many Senators are absent this afternoon. I would just like to note in the Record what I expect to do at a later time. I shall not insist on offering them now. I shall just note them in the Record. I want to get them noted in the Record, so that if we do not vote on the bill to-day Senators can see in the Record what they are.

Mr. BURSUM. The Senator merely suggests the proposed amendments?

Mr. DIAL. Yes. I shall ask no vote at all to-day. I shall later move to strike out all of section 5, beginning with line 14, on page 6, and down to line 14, on page 7. Then I shall move to strike out, on page 8, in line 16, all after the word "Spain" down to the word "service" in line 18.

The PRESIDING OFFICER. The Chair understands that the Senator from South Carolina is merely giving notice of the amendments that he intends to offer at a later time?

Mr. DIAL. That is all. I do not see any necessity for including the soldiers of the Philippine insurrection or the Chinese Boxer rebellion, there mentioned, because I understand they were men in the Regular Army enlistment and are taken care of by the general law.

I shall also move to amend, on page 6, line 12, at the end of section 5, by adding the proviso:

Provided, That the provisions of this section shall apply to widows and dependents of those who served during the war with Spain.

Then, Mr. President, to-morrow, or when the bill shall be regularly before the Senate for consideration, I propose to move, on page 9, to change the compensation fixed for veterans of the Spanish-American War, so as to grant those veterans some increases.

As I said before, these soldiers are receiving most generous treatment and as large compensation, it seems to me, as they are entitled to or as the country can afford to pay them. A service of only 90 days is required, which is a very short time, indeed, for which to put such a burden upon the people, especially when those soldiers were not wounded or disabled in any manner.

As I said on yesterday, Mr. President, pension legislation has been a very expensive proposition for the United States. There have been paid out in Civil War pensions \$5,772,000,000, nearly

\$2,000,000,000 more than the cost of the Civil War. I do not recall how many slaves there were in the South, but no doubt the Government could have paid the South handsomely for those slaves and have saved a great deal of money besides.

I feel that the reason for this proposed increase of pensions is somewhat sectional. I regret to say so, but I very much fear that is one of the causes why the increase is asked for. I feel that we in the South are either in the Union or that we were out of it. All sections of the Union ought to be treated fairly and equitably. When the Government needed help in the war with Spain and called for soldiers, the whole country went to its rescue. When the Government needed soldiers in the World War, there was no slacking on the part of the good people of any section. Liberty bonds were bought, and all the fair-minded and patriotic people served the country to the best of their ability. It seems to me, after the great destruction which was wrought by the World War, when we consider the debt of nations and of individuals, amounting, I believe, to something like half of the value of the property in the world, the time has certainly arrived for us to call a halt. What we need is not to encourage people to look toward Washington for help, but we need to help the people to help themselves. Let them bear their burdens, each and every one his part.

Now, I should like to ask the Senator from New Mexico, if he will allow me, what do the inmates of the old soldiers' home draw per month?

Mr. BURSUM. They draw their pensions.

Mr. DIAL. And they get their support in addition to their pensions, do they not?

Mr. BURSUM. Yes; the soldiers in the homes are taken care of in different ways.

Mr. DIAL. But the inmates of the soldiers' homes draw the same pension as they would were they outside of those homes?

Mr. BURSUM. Yes.

Mr. DIAL. That is my understanding.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from South Carolina suggests the absence of a quorum. The Secretary will call the roll.

Mr. BURSUM. Mr. President—

Mr. DIAL. I withdraw the suggestion if the Senator from New Mexico desires that I shall do so.

The PRESIDING OFFICER. The Senator from South Carolina having made the suggestion of the absence of a quorum, it can not now be withheld. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Farris	Kendrick	Reed, Mo.
Brandagee	Fess	Keyes	Reed, Pa.
Brookhart	Fletcher	King	Robinson
Broussard	Frazier	Ladd	Sheppard
Bursum	George	McKellar	Smith
Cameron	Gerry	McKinley	Stephens
Capper	Gooding	McNary	Swanson
Carr	Hale	Neely	Trammell
Couzens	Harris	Norris	Wadsworth
Cummins	Harrison	Oddie	Walsh, Mass.
Curtis	Heflin	Pepper	Walsh, Mont.
Dale	Howell	Pittman	Watson
Dial	Johnson, Minn.	Ralston	Weller
Edwards	Jones, Wash.	Ransdell	Willis

The PRESIDENT pro tempore. Fifty-six Senators having answered to their names, there is a quorum present.

WORLD COURT.

Mr. WILLIS. Mr. President, out of order I desire to submit a request for unanimous consent. I ask unanimous consent to present a petition from the Ohio League of Women Voters, containing some 12,000 signatures, in behalf of the World Court. I ask that the receipt of the petition may be noted; that the foreword may be printed in the Record, it being a short paragraph, and that the petition may be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. Is there objection?

Mr. REED of Missouri and Mr. McKINLEY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Missouri. Mr. REED of Missouri. Mr. President, I think this is a highly appropriate time to offer a few observations on the so-called Court of International Justice.

The PRESIDENT pro tempore. The Chair does not know whether the Senator objects to the request of the Senator from Ohio.

Mr. REED of Missouri. I have not made any objection.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Ohio.

The petition was referred to the Committee on Foreign Relations and the foreword ordered to be printed in the RECORD, as follows:

FOREWORD.

Believing that the greatest need of the world to-day is international cooperation for peace and feeling convinced that the United States should become a member of the Permanent Court of International Justice, which is an immediate and practical step toward peace, the Ohio League of Women Voters, numbering 12,000 members, herewith submits a petition of 12,000 signatures from men and women of voting age in Ohio, with the earnest hope that the President and the Senate may act at once and favorably upon the proposal that the United States become a member of the Permanent Court of International Justice.

We, the undersigned, are glad to testify that these signatures are genuine and represent the deep conviction of the signers.

JULIETTE SESSIONS,

President Ohio League of Women Voters.

FRANCES HENDERSON

[Mrs. W. E. HENDERSON].

State Chairman of the Committee on International Cooperation to Prevent War.

Mr. McKINLEY. Mr. President, will the Senator yield for a moment?

Mr. REED of Missouri. Yes.

Mr. McKINLEY. I ask unanimous consent to present a petition of sundry members and friends of the Illinois League of Women Voters, signed by some 10,000 names, praying for the entrance of the United States into the Permanent Court of International Justice.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the petition will be received, out of order, and referred to the Committee on Foreign Relations.

Mr. REED of Missouri. Are there any more petitions?

Mr. BURSUM. Mr. President, would the Senator mind yielding for a few moments to perfect the committee amendments on this bill, so as to have the bill printed?

Mr. REED of Missouri. I shall not take the whole afternoon. I should prefer to go on with what I have to say. I want to accommodate the Senator, but I hope he will not insist on that request.

Mr. President, I am trying to find the names of the members of the Court of International Justice. There is no Member of the Senate who knows these names, and no one of the 12,000 petitioners probably knows the names of the men to whom they want to consign the vital interests of the United States. So I think, for the edification of the Senate, and possibly for the instruction of the good people who have filed these petitions, which somebody financed, that it would be well to put into the CONGRESSIONAL RECORD the names of the men who constitute this so-called court.

With the selection of these names the United States had nothing to do. It had neither part nor lot in the organization of this so-called judicial tribunal. It is composed exclusively of foreigners, except one man who was named by a foreign power. Yet we have the astonishing fact that petitions can be filed here containing the names of thousands of good folks who are willing to plunge the United States into a court with the personnel of which they are not acquainted, and with the rules and regulations and laws of which, if any there be, governing the court, we have no part in the making, and can have at the present time no part in changing or altering. The spectacle of people demanding that this Government shall assent to entering a tribunal of the kind I have described is, therefore, one which calls for astonishment and wonder.

Manifestly some of these people think that entering the World Court carries with it no responsibility, involves no danger, and is somewhat akin to accepting an invitation to dinner, where you are at liberty to eat and drink what you desire, and leave the rest of the victuals alone.

Who compose this World Court? I am giving the personnel as I last heard it. It may have been changed at any time by the tribunal which created it, and of which we are not a member. Unless there has been some recent change, the President is Bernard Loder, of Holland. Who among these petitioners knows anything as to Bernard Loder's views touching the international rights of the United States? Which one of these petitioners and which one of these distinguished Senators can tell us anything whatsoever with reference to the character of thought which dominates Bernard Loder? They may answer

to-morrow, but, if they answer to-morrow they will in the interim have been obliged to look up Bernard Loder in Who's Who in Europe. We know in a vague way that he is a man of some prominence in his own country, but I ask which one of you would be willing to submit a matter involving a private controversy of your clients to Bernard Loder without first finding out something more about him than you know at the present time? But with a generosity that is childlike these gentlemen come forward and propose that we shall submit what may mean the life or death of this Republic to a tribunal presided over by a man about whom they know substantially nothing.

The Vice President is Charles Andre Weiss, of France. Again I inquire, can either of these distinguished Senators rise in his place and tell us what are the views and opinions of Charles Andre Weiss touching international questions? Is he a man who wants the Ruhr invaded, who has sanctioned the presence of black troops in portions of Germany, who has been willing to violate the treaty of Versailles; or is he a man whose soul regards with abhorrence the spectacle of white women being practically dragged to brothels to become the victims of black savages imported from Africa?

Members: Viscount Robert Bannatyne Finlay, of Great Britain; Dionisio Anzilotti, of Italy; Rafael Altamira, of Spain. Now, just what does Rafael stand for? Which one of you is willing to submit your own controversy to this gentleman with the aristocratic name?

D. J. Nyholm, of Denmark; Max Huber, of Switzerland; Yorozu Oda, of Japan. Just how does this gentleman regard the policies of America? To what extent is he in sympathy with democratic and republican institutions? How far would he go in the rendition of ideal justice in a controversy between the white race and the brown race?

Ruy Barbosa, of Brazil; John Bassett Moore, of the United States, who was put in there by some other country, if I recall aright. I have forgotten what it was, but manifestly he is the decoy for the United States. He is the worm on the hook that is dropped in the spring waters to attract the hungry sucker; and it was undoubtedly the dangling of this American, who sees fit to represent another country and take a job to which he is appointed by a foreign power, that attracted the two Senators who present these petitions.

Then there is Antonio Sanchez de Bustamante, of Cuba. Now, of course, we know from that very name that anybody is safe in submitting any kind of a controversy, individual or international, to Bustamante. He represents a great country to our South that produces two things we need very much in this country according to the appetites but not according to the professions or votes of the statesmen of Washington. One is sugar, and the other is the thing that makes sugar palatable in a toddy; but his country stands to-day on its feet, because it is propped in its position by the United States. Here sits a man representing this little island to our South, and it is proposed that he shall sit upon a tribunal and decide the controversies between the United States and the great powers of the earth.

There are also four deputy judges: Michailo Yovanovitch, of the Serb-Croat-Slovene State; F. V. N. Beichmann, of Norway; Demetre Negulesco, of Rumania; and Chung-Hui Wang, of China.

Mr. President, some great genius might undertake to portray the farce of world politics; but if he were to succeed it would be only necessary for him to present a picture of these 11 men filing into a room and proposing to settle a controversy between the United States and Great Britain where there was really bad blood aroused.

Are they comparable with our own Supreme Court? Are they comparable in any way with the supreme courts of our several States? Yet we hesitate to submit personal controversies to these tribunals which we have created, and there are now on file in the Senate bills proposing to limit the power of our own Supreme Court.

I assert, and I shall prove, that the only thing about this Court of International Justice that bears the slightest resemblance to a court of justice, as we understand it, is to be found in the name "court," which it has adopted. You can not change facts by changing names. It was Abraham Lincoln who once said, "If I say that a dog's tail is a leg, how many legs will the dog have?" Instantly somebody said "Five." Lincoln said, "Oh, no; he will have four. Calling a tail a leg does not make it a leg." Calling a thing a court does not make it a court.

What is a court, as we understand it? First, there must be rules of law under which the tribunal is to act, and in this country—and I shall speak of American courts only—we have, first, provided for a scheme and plan of government which is ours, and which we alone may change and we alone may alter.

Second, we have provided for a Constitution of the United States which limits the power of every court of the land, and that Constitution we alone can change and we alone can alter.

Third, we have provided in the various States constitutions, adopted by the respective peoples thereof, and these in turn limit the powers of every court, and preserve and fortify the rights of every citizen, so that the courts may not go beyond the fixed limits of the constitution in imposing penalties or exacting judgments.

Fourth, we have a written code of law adopted by our own representatives in these respective States, and those laws are alterable at our will and pleasure, but not otherwise. The rights thereunder secured can not be changed or affected by any power whatsoever outside the boundaries of the United States. Let us compare this system of laws which restrict and limit the powers of American courts, with the rules and regulations, if any there be, which govern the so-called Court of International Justice.

There is no constitution to limit its powers; there is no legislative body to regulate its procedure; there are no precedents to govern its conduct. It proceeds, if there be anything connected with it that can by any stretch of words be called law, under what is sometimes termed "international law." But what, pray, is international law? It is not law at all in the sense in which we employ that term. It is at best certain rules which the law writers have undertaken to evolve from the general customs and habits of nations and from treaty obligations which have been recognized by some nations and disregarded by others. So that it may be said that to all intents and purposes this body of men called a court must be a law unto themselves.

Mr. President, if it were proposed to set up in the United States a tribunal called a court which made its own law as it went along, that tribunal would be at once endowed with every quality that has cursed every tyranny of earth; for when you concentrate in one body of men the right to make its own rules and to regulate its own conduct, to write its own judgments, and to enforce its own decrees, you have created an absolute monarchy with every horrible feature attendant upon a one-man government, with all of the attributes that have made the tyrannies of earth hated by humanity and that have caused them to write their history in the blood and tears of suffering men and women. It is as bad to concentrate legislative and judicial and executive powers in the same body, whether you call it a court or whether you call it a king, in the one case as in the other.

It would be intolerable to say to our own great Supreme Court that it should decide questions as it might see fit, making its own rules and laws and regulating its own conduct. If we were to do that, it would become a judicial oligarchy. We would have erected upon the ruins of this Republic another oligarchy as bad as ever was set up by the monarchs of the past. Yet this is the inescapable position in which the advocates of this court find themselves.

If it should be said that some tribunal shall make the laws governing this court, I ask, What tribunal? Will it be the League of Nations, of which we are not a member? Or will it be the kings and the presidents and the rulers of foreign lands? By whomsoever the rules may be adopted, bear in mind that the United States will have one vote out of all the assembly, whether it represents a half dozen or represents all the nations of the earth. I say that the man or the woman who is willing to bind the United States to an unknown code of laws, to be adopted by foreign nations, and in which we have only a minority vote, is willing to take a most desperate chance on behalf of this Republic. Yet we are asked to enter the court; enter it, I presume, according to these petitions, without qualification; enter it just because the door is open and we are invited to enter; enter it without rules of law, without agreements, without treaties, without knowledge as to what jurisdiction it may attempt to exercise.

I repeat, sir, you would not think of conferring that power on the courts and judges of your own land. You would not dream of conferring that power upon the supreme courts of your own States, although the judges are selected from among your own people, although they owe allegiance to your flag, and although they are tied to you by citizenship, by the

brotherhood of your race, and by common tenets of a common religion. You would not dream of it.

I call attention again, now, to the further safeguards you have drawn around your own courts. To begin with, you have deprived the judges of these courts, in suits at law and in many instances in suits in equity, of the right to decide a question of fact at all. You have conferred that right upon juries; and why upon juries? Because lying at the very base of the citadel of human liberty is this great principle, that in the last analysis no American citizen shall be deprived of his life, his liberty, or his property, save on the judgment of his peers, his fellow citizens, selected from the vicinage. Why are they selected from the vicinage, and why must they be of his peers?

Because the fathers, who knew something of the philosophy of government, recognized that no great act of tyranny could ever be made consummate if before that consummation 12 men, who were the neighbors of the man accused or the man brought to the bar in a civil suit, had adjudged that his life, his liberty, or his property should stand forfeit. So if tyranny ever reared its ugly head, if it every swept the land with its bloody sword, if it ever sought to strike at the heart of our liberty, it would be arrested in the courts of justice by the iron will and the patriotic hearts of the 12 men who knew they would likewise suffer if they enforced an unjust decree or a wicked law.

Is there in this international court anything corresponding to the jury? Are the questions of fact to be decided by our peers, our fellow citizens? They are not. They are to be decided by foreigners who may hate us and who may be glad of an opportunity to injure us.

Again, having impaneled this jury to pass upon the question of fact, they are to be presided over by a judge, and who is the judge? He is, in most of the States of the Union, selected by a small body of the people from among themselves. He is known to them. His life is known to them. His environments are known to them. The character of his intellect and the quality of his soul have been exposed to them. They trust him but not without limit. They give him his term of office for only a limited period in nearly every State of the Union, and they not only thus limit him but as I have said, they have limited him by constitutional enactments and by statutory law.

Then do we trust him, this judge selected from the best of our bar? Do we trust him merely to declare the law to the jury, leaving the jury to settle the facts? We do not, sir. We provide in every case where the amount in dispute exceeds a few paltry dollars for an appeal to another judicial tribunal, and that tribunal is selected by a different constituency. It is likewise governed by rules of law.

It sits in the full calm of after life to review the decisions of the judge. It writes its decision in the solemn records that are to remain there forever. Again, the citizen can not be deprived of his life, his liberty, or his property until the majority of that tribunal have acquiesced in the decision of the 12 men comprising the jury and in the decision of the trial judge.

We do not stop there. In many States more than one appeal is permitted, and in all States, wherever the rights of the citizen under the Constitution of the United States have been invaded, or wherever he has been denied the process of law according to the law of the land, he can carry his case to the Supreme Court of the United States. Thus, before the citizen can be deprived of his life, his liberty, or of his property, there must be an acquiescence in the decision by 12 of his own fellow citizens, affirmed by a judge selected generally from his own community, reaffirmed by a supreme court in his State, and finally, in a large number of cases, reaffirmed by the Federal Supreme Court.

How does that compare, sir, with this so-called Court of International Justice? When it has written its decree, where does the appeal lie? To what tribunal does your writ of error go? There is none. Judgment is final. It may be as arbitrary as can be conceived by human brain, it may be as vicious as the spawn of perdition, it may be as deadly as the poison distilled from the crooked teeth of a serpent, but there is no appeal and there is no court of review. The decision may have been obtained corruptly. It may have been coerced. But the execution, if it has power at all, issues forthwith, and the outrage becomes consummate.

But, Mr. President, there is another distinction between this court and the judicial tribunals of America. If one of the judges of our courts shall fail to perform his duty, if he be not

retired by the expiration of the term of office, which is very frequent in most of the States of the Union, there is always the right of impeachment. There always hangs over every judge's head the impeachment sword, seldom used but always potential to arrest any judge who may be disposed to wickedly trample upon the rights of the litigants who appear before him. There is no such qualification, there is no such safeguard appertaining to this international tribunal.

Mr. President, there is another great distinction. The judges of our courts and the jurors of our courts must be disinterested. They must not be prejudiced and they must be without a financial interest or an interest arising from relationship or any kind of influence calculated to swerve them from the strict performance of their duties. Even the right to challenge the judge exists, and in the upper courts the judges promptly disqualify themselves. The right to disqualify the jury likewise exists. But there is no such disqualification appertaining to the so-called international court, none whatever. Even if the direct litigants stand aside there is no way to say to one of the judges, "Your country is subordinate to the country with which we are at suit and hence you should not sit. You have expressed an opinion in this case and hence you stand disqualified. You are an enemy of the United States and hence you likewise must vacate." No such right exists. In come your 11 men headed by Bustamante or headed by the Japanese gentleman. When they sit down in this tribunal they try the case and the right of challenge does not even exist.

But, sir, that is not all. I do not intend to take much more of the time of the Senate. Indeed I am taking very little time because this afternoon there are only four or five Senators in attendance. I am talking to the country if the newspaper men will carry my message. If they do not I shall have to organize an anti-Bok peace plan, I think, and get some good people's money in large amounts to send out the argument.

There is another reason. I affirm there is no international question, big enough in itself and of itself, to really disturb the people of the world, in which every representative on this court will not represent a nation having a direct interest in the controversy—not one; and the question can not be named to me by any of the Senators present.

Let me give an illustration. We had a controversy with Great Britain touching the right of the United States to send through the Panama Canal its coastwise ships free of charge and to charge tolls for the vessels of other nations. Great Britain challenged us upon that and insisted that if our coastwise ships went through free, the vessels of all other nations must go through free. Our President at that time took the view of the British. I never took it. The majority of the Senate would never have taken it if it had spoken its heart. We built that canal with American brawn and brain and money. We must fortify it, maintain it, and defend it. It is our property, and we should have the perfect right under the treaties which we have with Great Britain to send our vessels through on such terms as we see fit. That question is certain to become a live issue in the future.

Suppose, sirs, that to-morrow we were again to reenact the statute which we repealed and were to provide that American coastwise vessels could go through our canal free, but that all other vessels should pay a toll. Suppose Great Britain were then to hale us, who had entered this international court at the request of these good people, before these 11 men, what would be the interest of the nations represented by these 11 men? Holland has her fleet upon the seas. Holland's interest would be identical with the interest of Great Britain. France has her fleet on the seas, and her interest would be identical with that of Great Britain. I assume that Great Britain as a litigant would stand aside, although, to my knowledge, we have no assurance of that.

Italy has her fleet upon the seas; her interest would be identical with that of Great Britain. Spain still has some vessels upon the seas, and her interest would be identical with that of Great Britain. Denmark has many a proud ship floating upon the waters of the ocean; Denmark's interest would be identical with that of Great Britain. Japan has her fleet upon the seas, and that pushing, determined, warlike nation has even more interest in one sense than has Great Britain in the internationalization or anything approaching the internationalization of the Panama Canal. Brazilian merchants have some ships, and their interest is akin to that of Great Britain. As to Cuba, there are Cuban merchants who, I presume, own ships, although there are very few; but in so far as she has an interest, her interest would be with Great Britain. John Bassett Moore, representing somebody, somewhere, somehow,

would he represent our interest or would he represents some other interest?

Thus, when this great controversy comes on for trial and the two able Senators who have presented these petitions appear to represent the United States—for I will assume them to be counsel—they go before a packed court, every member of which was appointed directly or indirectly by those respective governments, and every one of whose principals is directly interested against the United States just as is Great Britain.

Is there anybody who loves his flag and country who is willing that such a thing as that shall ever occur? If there is any considerable portion of the people in possession of the facts willing to accept such an awful chance, then I can see the day, sir, when the stars will fade from our flag, when its stripes will lose their luster, when it will become the pale flag of international surrender and float over the graves where our dead heroes lie, an insult to their valor and an offense to their memory.

I have given but one illustration. I can multiply it, taking up seriatim the various international problems that may come forward. In all the important ones I can show that there is an interest among the nations which would affect their judgment, which would disqualify them if it were an ordinary case at law, governed by the ordinary rules of procedure.

But somebody says, "Oh, this is going to be a court, and when these men sit down upon a court they will then do justice, regardless of interest." What a silly argument that is! We do not apply it to judges of our own courts, whom we know and love. We disqualify them because we know that God never yet made a man who could entirely dissociate his judgment from his own interest. He may try to do it, but we know that it is humanly impossible.

We have had examples. Who has forgotten the Hayes-Tilden controversy, where every judge voted according to the political party to which he belonged, if I recollect correctly? Who is it can forget that the controversies coming before an international court are invariably political? I am speaking of the great controversies. There might be petty controversies come, but we need no international court for petty controversies. Nay, which one of these judges can forget his country and his country's interest, for that pulls stronger at the heartstrings of men than does private interest or even private passion or revenge. For country men will sacrifice their estates; for country they will drain their veins of the last drop; for country they will yield even the children of their loins and the wives of their bosoms; for country they will lie behind prison walls until brown locks turn to gray and rot upon their temples; and yet, with deathless courage on their dying lips, will proclaim fidelity to flag, to race, and to country. Can these judges, whose names I have read, lay aside their love of country? Could an American placed upon this court forget his own country; forget the love he had for her soil; the devotion he bore to her flag; the worship of his heart for his Nation? If he could, then he would be unfit to decide the smallest controversy, for he would have lost every noble human attribute.

The Boks and all the other propagandists who may undertake to fasten the principle of America surrendering any part of her liberty to a permanent court of the character I am describing may proceed, but they will not succeed.

A question with more merit in it than this but involving, as the American people believed, an impairment of America's independence, was submitted less than four years ago, and a majority of 7,000,000 Americans said that America would stay at home and attend to her own business; that they adhered to the policy of George Washington. I say now that the political party that indorses a world court will go to its political death as certainly as the election day rolls round.

But it will be said the court has no power to impose its will. Then, if it has no power to impose its will, it is an impotent and foolish thing, which will be only obeyed when there is the will to obey, and where there is the will to obey there is no necessity for a tribunal to decide.

Mr. President, some day I may feel inclined really to make a speech about the World Court. I am not going to proceed further this afternoon.

I thank the Senate.

PENSIONS AND INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors,

and to widows of the War of 1812, and to certain Indian war veterans and widows.

Mr. BURSUM. Mr. President, I ask that the committee amendments be first read and considered and disposed of, so as to perfect the pending bill.

Mr. DIAL. Mr. President, I do not want to have the committee amendments voted on this afternoon. There are other Senators who want to be heard on the bill. I shall not oppose acting on them in the morning.

Mr. BURSUM. I suggest that this action will not interfere with any amendment.

Mr. DIAL. It will be passing on the committee amendments, will it not?

Mr. BURSUM. That will not interfere with any amendment that any Senator may desire to offer.

Mr. DIAL. But we want to resist the committee amendments.

Mr. BURSUM. It is merely perfecting the bill. The bill is not perfected until the committee amendments are acted upon.

Mr. DIAL. I know; but we are going to resist the committee amendments, and we want to resist them before the Senator has the bill reprinted.

Mr. BURSUM. But there is really no committee amendment for the Senator to resist.

Mr. CURTIS. Mr. President, if there is going to be a contest I hope the Senator will lay aside his measure to-night so that we may have an executive session. It is the unfinished business.

Mr. DIAL. We could not go on with it this afternoon. I will ask to have it go over until to-morrow. I have no desire to delay the bill unnecessarily, but there are a couple of Senators who are not here who want to speak on it.

Mr. BURSUM. Of course the Senator can delay the bill.

Mr. DIAL. No; I do not want to delay it.

Mr. BURSUM. He can obstruct action on the bill perfecting it by the adoption of the committee amendments. If that is his desire, of course, it is possible for him to do it.

Mr. DIAL. No.

Mr. BURSUM. But I submit that it is very unreasonable and very unjust to object to perfecting the bill, which will in no way prevent any amendments to the bill being submitted by any Senator.

Mr. DIAL. Mr. President, if I could delay the bill until the end of the session or after the end of the session I would do the same thing that I did in the last session; but I realize that that would be futile, and I am not going to inflict upon the Senate my oratory along that line. We want to resist the committee amendments, however, and I ask that the measure go over until to-morrow morning. So far as I am concerned, I am not going to try to filibuster against the bill. I would defeat it if I could, but I realize that that is impossible.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 28, 1924, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 27, 1924.

POSTMASTERS.

CALIFORNIA.

Anna McMichael to be postmaster at San Juan Bautista, Calif., in place of Anna McMichael. Incumbent's commission expired February 11, 1924.

Thomas J. Wylie to be postmaster at Cedarville, Calif., in place of N. J. Street. Incumbent's commission expired February 11, 1924.

Lola P. Neff to be postmaster at Biggs, Calif., in place of W. D. Parker. Incumbent's commission expired February 11, 1924.

Craigie S. Sharp to be postmaster at Crannell, Calif., in place of C. S. Sharp. Office became third class January 1, 1924.

FLORIDA.

Mary E. Pridgen to be postmaster at Inverness, Fla., in place of E. O. Hay, deceased.

IOWA.

Frederick W. Wodrich, jr., to be postmaster at Mount Vernon, Iowa, in place of F. W. Wodrich, jr. Incumbent's commission expired March 22, 1924.

Miller S. McFarland to be postmaster at Marshalltown, Iowa, in place of M. S. McFarland. Incumbent's commission expired March 22, 1924.

Gladdys Westrope to be postmaster at Elliott, Iowa, in place of Gladdys Westrope. Incumbent's commission expired March 22, 1924.

Alexander B. Clark to be postmaster at Clarinda, Iowa, in place of A. B. Robinson. Incumbent's commission expired March 22, 1924.

Herbert A. Harvey to be postmaster at Newell, Iowa, in place of N. A. Jensen, resigned.

Nannie Braden to be postmaster at Macedonia, Iowa, in place of Nannie Braden. Office became third class October 1, 1923.

KANSAS.

Josie B. Stewart to be postmaster at Sylvan Grove, Kans., in place of W. J. Dehler. Incumbent's commission expired January 23, 1924.

Myron Johnson to be postmaster at Oakley, Kans., in place of G. A. Milliman. Incumbent's commission expired July 28, 1923.

KENTUCKY.

Ronald S. Tuttle to be postmaster at Bardstown, Ky., in place of Henry Whelan. Incumbent's commission expired February 4, 1924.

LOUISIANA.

Minnie M. Baldwin to be postmaster at Bernice, La., in place of T. W. Shields, resigned.

MASSACHUSETTS.

Wilhelm O. Johnson to be postmaster at Woronoco, Mass., in place of W. C. Ring, resigned.

MINNESOTA.

James M. Patterson to be postmaster at West Concord, Minn., in place of J. M. Patterson. Incumbent's commission expired February 18, 1924.

Albert A. Peterson to be postmaster at Blooming Prairie, Minn., in place of Frank Plotts. Incumbent's commission expired July 28, 1923.

MISSOURI.

Oley S. Cardwell to be postmaster at St. Clair, Mo., in place of R. C. Murphy. Incumbent's commission expired July 25, 1921.

Philip M. Beesley to be postmaster at Robertsville, Mo., in place of P. M. Beesley. Office became third class January 1, 1924.

NEW YORK.

Earl G. Fisher to be postmaster at Massena, N. Y., in place of J. B. Andrews. Incumbent's commission expired February 14, 1924.

J. Arthur Haight to be postmaster at Peekskill, N. Y., in place of James Dimond, resigned.

NORTH DAKOTA.

Edith M. Ericson to be postmaster at Underwood, N. Dak., in place of E. M. Ericson. Incumbent's commission expired April 1, 1924.

OHIO.

Oliver C. Robart to be postmaster at Wellington, Ohio, in place of J. L. Vanarnam. Incumbent's commission expired February 24, 1924.

Asher O. Earley to be postmaster at Woodfield, Ohio, in place of A. O. Earley. Incumbent's commission expired March 22, 1924.

Austin H. Bash to be postmaster at Strasburg, Ohio, in place of P. J. Dunn. Incumbent's commission expired March 2, 1924.

John F. Adams to be postmaster at Lisbon, Ohio, in place of W. S. Potts. Incumbent's commission expired September 23, 1923.

Rollo J. Hopkins to be postmaster at Edgerton, Ohio, in place of R. J. Hopkins. Incumbent's commission expired February 24, 1924.

Harry R. Hebblethwaite to be postmaster at Berlin Heights, Ohio, in place of D. L. Kilbride. Incumbent's commission expired February 24, 1924.

OKLAHOMA.

Ruth J. McLane to be postmaster at Lookaba, Okla., in place of M. L. D. Bruce. Incumbent's commission expired January 28, 1924.

PENNSYLVANIA.

Laura P. Keith to be postmaster at Coraopolis, Pa., in place of J. T. Butler. Incumbent's commission expired August 5, 1923.

TENNESSEE.

John M. Whiteside to be postmaster at Bellbuckle, Tenn., in place of J. T. Clary. Incumbent's commission expired March 9, 1924.

VERMONT.

David P. MacKenzie to be postmaster at Island Pond, Vt., in place of D. P. MacKenzie. Incumbent's commission expired August 5, 1923.

WASHINGTON.

Rudolph R. Staub to be postmaster at Bremerton, Wash., in place of R. R. Staub. Incumbent's commission expired February 11, 1924.

J. Kirk Carr to be postmaster at Sequim, Wash., in place of T. F. Laurenson, declined.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 27, 1924.

POSTMASTERS.

IDAHO.

Russ H. Merriman, St. Joe.

MAINE.

Charles C. McLaughlin, Harmony.
Emily E. Pynes, Sangerville.

NEW YORK.

Vida O. Heindol, Cold Brook.
Charles A. Sandburg, Jamestown.
John Jack, Lawrence.
Charles K. Williams, Phoenix.

OHIO.

Henry Kemper, Bellefontaine.
Francis E. Cook, Galion.
Gertrude E. Lawson, Irondale.
George F. Barto, State Soldiers' Home.
Allan R. Trumbull, Swanton.
Harry L. Liebhart, Wadsworth.

SOUTH CAROLINA.

James H. McCord, Hodges.
Nettie C. Moore, Honea Path.
Henry T. E. Neuburger, Spartanburg.

WEST VIRGINIA.

George B. McNeely, Mannington.
Francis E. Ross, Power.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 27, 1924.

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, the God of our refuge, who is the same yesterday, to-day, and forever, we would wait on the Lord. We are thus assured that nothing can separate us from Thy love and divine compassion. How we thank Thee for Thy wonderful condescension. Make us equal to all events. Ever inspire us with the conviction that our work is essential and our tasks altogether sacred. Give us the spirit that lifts us joyously and courageously to our labor. In the fullness of manly strength and character may Thy revelation of moral and spiritual power possess us. God in man is the greatest revelation of Himself. O thus bless and endow us. Amen.

THE JOURNAL.

Mr. JAMES. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? Mr. JAMES. I ask unanimous consent to extend my remarks in the Record on the Army appropriation bill.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I do not object to the gentleman's request, but I think it ought to come after the reading of the Journal.

The SPEAKER. Will the gentleman withhold his request until the Journal is read? The Clerk will read the Journal of yesterday's proceedings.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. JAMES. Mr. Speaker, I ask unanimous consent to extend my remarks on the Army appropriation bill.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the Record on the Army appropriation bill. Is there objection? [After a pause.] The Chair hears none.

Mr. HARRISON. Mr. Speaker, day before yesterday before opening my remarks on the Army bill I asked unanimous consent to revise my remarks. The Record does not show it, but my notes do.

The SPEAKER. Is there objection to the gentleman's request? [After a pause.] The Chair hears none.

ILLUSTRATIONS IN THE RECORD.

Mr. TREADWAY. Mr. Speaker, I would like to inquire with reference to the Record of this morning as to whether permission was secured of the Committee on Printing to put in illustrations filling seven columns of the Record of a speech made by Hon. EMANUEL CELLER, of New York. Under date of March 14 on the immigration bill he filled seven columns with illustrations. As I understand, permission to do so can only be secured through the Committee on Printing for this sort of extension of a gentleman's remarks in the Record.

The SPEAKER. Well, the Chair will investigate. The Chair hardly thinks that would be printed unless consent had been secured.

Mr. GARNER of Texas. The fault is probably not with the Member but with the Printing Office itself. I understand that illustrations are prohibited from being printed unless authorized.

Mr. TREADWAY. The fault seems to be with both, and it ought not to be allowed.

Mr. MADDEN. You can not put in illustrations without the consent of the Committee on Printing.

TAX ON MOTOR VEHICLES.

Mr. BLANTON. Mr. Speaker, on behalf of the gentleman from Maryland [Mr. ZIHLMAN], who is not here now, acting chairman of the committee, I renew the request he made yesterday morning to take from the Speaker's table the bill (H. R. 655) to provide for a tax on motor-vehicle fuels sold in the District of Columbia, and for other purposes, to disagree to all the Senate amendments, and ask for a conference, with the understanding, however, that what was agreed upon in the House and Senate which is not now in the bill shall go into the bill.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the bill indicated, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not expect to do, in addition to the tax matter the gentleman speaks about there was an amendment put on the bill on the floor of the House, which was unanimously adopted, having been accepted by the committee in charge of the bill.

Mr. BLANTON. I will say to the gentleman from Michigan that as a member of the conference committee I shall contend for this amendment and shall insist that the Cramton amendment shall be put back into the bill. It is an amendment which ought to be passed, and I would insist on bringing that amendment back to the House for a vote of the House before that should be stricken out.

Mr. CRAMTON. I very much hope that will be the attitude of all the conferees. There are three very important reasons justifying that amendment. First, it is fair, because a large part of this tax will be paid by tourists and residents of other States. Second, it will provide a fund that will result in a very speedy improvement of the streets and their lighting; and, third, if the gentleman will permit, it will make the tax itself much more satisfactory to a man who drives an automobile and

knows that the money he pays for gasoline tax is going directly to street improvement.

Mr. BLANTON. The gentleman need not have any uneasiness about that.

Mr. CRAMTON. I am glad to hear it.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Messrs. ZIHLMAN, LAMPERT, and BLANTON.

IMMIGRATION BILL.

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules for printing.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

Report from the Committee on Rules for the consideration of the bill H. R. 7995, a bill to limit immigration of aliens into the United States.

The SPEAKER. Referred to the House Calendar and ordered to be printed.

LETTER FROM SECRETARY OF THE TREASURY.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter received from the Secretary of the Treasury concerning a bill on the Private Calendar to which I objected the other night concerning the loss of coupons upon bonds. I think the facts stated by the department will be of interest to the Members of the House.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Speaker, under the leave granted I insert the following letter to me from the Secretary of the Treasury with reference to payment for lost detached bond coupons. While this has particular reference to H. R. 3748 now pending on the Private Calendar of the House, the general policy to be followed is involved and the statement of facts and conditions presented by the department is worthy of consideration. The letter is as follows:

THE SECRETARY OF THE TREASURY,
Washington, March 25, 1924.

MY DEAR CONGRESSMAN: I have noted a discussion which occurred on the floor of the House on March 21, 1924, in regard to H. R. 3748, "A bill for the relief of the Lebanon National Bank," providing for the relief on account of the loss, theft, or destruction for coupons detached from bonds or notes. As you objected to the consideration of the bill, I deem it advisable to furnish you with certain information in regard to the matter in view of some of the statements that were made in the course of the discussion in the House.

The committee report states that "the Secretary of the Treasury interposes no objection to the bill * * *." This statement is obviously an error for in my letter to the chairman of the committee, dated January 19, 1924, which is printed in the same report, I set forth objections and stated that the Treasury is opposed to the passage of the bill.

It would be particularly unfortunate if this bill should become a law in view of the fact that the United States would not be able to protect itself against duplicate payment. And as pointed out in my report on the bill, it would be unsafe to grant relief against bonds of indemnity. It would also let loose a flood of similar legislation, as there are thousands of cases of lost, stolen, or destroyed coupons, and many cases of presumably destroyed coupons without positive proof of destruction. The United States would thus be placed in the position of paying a portion of its debt twice without any means of protection, and there is no equitable reason why it should bear the burden, in a large number of cases, of the loss occasioned by the neglect or carelessness of the owner of the securities.

It was stated on the floor of the House that it would be the easiest thing under the sun to put in a system whereby an efficient file clerk will be able to consult the file or canceled coupons in order to determine the facts and protect the United States against a double payment. Apparently the magnitude of the coupon business is not fully appreciated. There are at the present time something over 26,000,000 pieces of bearer public-debt securities outstanding. Coupons generally mature by six months' periods; accordingly, some 52,000,000 separate coupons will be presented for payment in the course of each year. While these coupons come from the 26,000,000 pieces outstanding, as a matter of fact such coupons may pertain to any one of the very much larger number of securities originally issued—some 150,000,000 pieces. Coupons are paid by the Treasurer of the United States and by the Federal reserve banks and branches. As a matter of usual procedure practically all such coupons are cashed at the holder's own

bank or post office, and thereafter are cleared through Federal reserve banks to the Treasurer of the United States. In their examination of paid coupons, Federal reserve banks and the Treasurer of the United States make no attempt to arrange them by serial numbers; they could not do so, as a practical matter. The paid coupons finally are forwarded by the Treasurer to the Register of the Treasury, where an audit is made to determine the correctness of the payments made. Thereafter the coupons are assorted to serial numbers and the fact of payment is recorded on numerical register. At this point presumably it might be possible to take account of a notation previously made. There is no certainty, however, that this could be done, for the volume of transactions is so great, the number of pieces is so enormous, the serial numbers run so high (eight digits), and so many hundred clerks are engaged on the work that errors will be made in the assortment and recordation. There are at the present time on file in the register's office approximately 550,000,000 interest coupons, and the work is not current.

The department has undertaken the assortment of coupons to serial number and recordation of the fact of payment because of the charges that have been made that the public debt has been largely duplicated. The temporary Liberty bonds, for the most part, have been retired, and the number of pieces of securities outstanding has been reduced to a more or less manageable basis. In submitting its estimates for the fiscal year 1925 the department contemplated continuing this particular coupon work. The House Appropriations Committee considered the assortment and recordation of paid coupons an unnecessary expenditure, and the Treasury Department estimates for the public-debt service were reduced in the amount of \$234,000, the estimated cost of the work next year. In his report on the Treasury Department bill made in the House on January 29, 1924, the chairman of the Appropriations Committee referred to the reduction of \$234,000, stating that by such elimination the committee indicates that a change should be made in the present methods of handling interest coupons. As the bill containing the reduced item has passed both Houses of Congress it will be necessary another year to discontinue these records, and, accordingly, after July 1 next a final check in the matter of separate coupons will not be possible.

It is not my intention in writing this to assert that these records should be maintained. I am merely calling the matter to your attention in order that you may know it will be absolutely impossible for the Treasury to be protected against payments if bills such as the one under consideration are enacted.

I might also add there seems to be some confusion as to the negotiability of a Government coupon. As I pointed out in my letter of January 19, 1924, United States bearer obligations pass by delivery without indorsement and without notice to the Treasury Department, so that under generally recognized principles of law an innocent purchaser for value, without notice before maturity, acquires good title thereto, even though reported lost, stolen, or destroyed. They pass from hand to hand almost like money, and contrary to the statement that was made on the floor, there is no requirement that a slip must be made out in the case of Government obligations of this character.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

HON. LOUIS C. CRAMTON,
House of Representatives.

SALARIES OF OFFICIALS AND EMPLOYEES OF THE FEDERAL RESERVE BANKS.

Mr. THOMAS of Oklahoma. Mr. Speaker, I renew my request made last night to print in the RECORD a letter from the governor of the Federal Reserve Board—some remarks relative to the salaries and expenses of the several Federal reserve banks.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. THOMAS of Oklahoma. Mr. Speaker, under leave granted to extend my remarks in the RECORD I insert the following:

FEDERAL RESERVE BOARD,
Washington, March 19, 1924.

HON. ELMER THOMAS,
House of Representatives, Washington, D. C.

MY DEAR MR. THOMAS: In response to that part of your letter of March 10 to Secretary Mellon relating to the number and salaries of officials and employees of the Federal reserve banks, I take pleasure in inclosing herewith a statement showing the number and salaries of officers and employees at each Federal reserve bank and at each Federal reserve branch as at close of business December 31, 1923.

Very truly yours,

D. R. CRISINGER, Governor.

Number and annual salaries of officers and employees of each Federal reserve bank and branch as of December 31, 1923.

Federal reserve bank or branch.	Officers.				Employees.					Total including following reimbursable salaries, principally in fiscal agency department.
	Chairman and Federal reserve agent.	Governor.	Other officers.	Total officers.	Banking department.	Federal reserve agent's department.	Auditing department.	Fiscal agency department.	Total employees.	
All Federal reserve banks combined:										
Number.....	12	12	312	336	10,044.50	344	315	950.50	11,660	572.94
Salaries.....	\$229,000	\$309,000	\$2,019,570	\$2,557,570	\$12,008,302	\$743,574	\$609,878	\$1,588,486	\$16,545,298	\$880,122
Boston (total):										
Number.....	1	1	13	15	639	31	16	58	744	17
Salaries.....	\$18,000	\$25,000	\$99,040	\$142,040	\$638,110	\$65,440	\$32,220	\$92,824	\$1,028,594	\$25,680
Head office—										
Number.....	1	1	13	15	636	31	16	58	741	17
Salaries.....	\$18,000	\$25,000	\$99,040	\$142,040	\$631,250	\$65,440	\$32,220	\$92,824	\$1,021,734	\$25,680
Habana agency—										
Number.....					3				3	
Salaries.....					\$6,800				\$6,800	
New York (total):										
Number.....	1	1	38	40	2,374	69	72	183	2,698	64.5
Salaries.....	\$30,000	\$50,000	\$408,500	\$488,500	\$3,398,013	\$150,850	\$159,040	\$351,030	\$4,058,433	\$113,510
Head office—										
Number.....	1	1	24	26	2,244	69	72	182	2,567	63.5
Salaries.....	\$30,000	\$50,000	\$386,200	\$466,200	\$3,239,013	\$150,850	\$159,040	\$350,130	\$3,899,133	\$112,610
Buffalo branch—										
Number.....			4	4	130			1	131	1
Salaries.....			\$23,300	\$23,300	\$158,400			\$900	\$159,300	\$900
Philadelphia:										
Number.....	1	1	12	14	683	54	32	53	822	17
Salaries.....	\$15,000	\$25,000	\$95,300	\$135,300	\$908,825	\$110,144	\$62,550	\$81,430	\$1,154,949	\$31,520
Cleveland (total):										
Number.....	1	1	25	27	925	28	30	123	1,106	100
Salaries.....	\$25,000	\$30,000	\$170,270	\$225,270	\$1,223,920	\$64,300	\$64,896	\$202,434	\$1,555,750	\$154,256
Head office—										
Number.....	1	1	13	15	540	28	25	84	677	68
Salaries.....	\$25,000	\$30,000	\$101,600	\$156,600	\$747,914	\$64,300	\$57,504	\$147,408	\$1,017,326	\$115,629
Cincinnati branch—										
Number.....			6	6	148		3	20	171	13
Salaries.....			\$31,070	\$31,070	\$171,808		\$3,552	\$28,410	\$203,770	\$19,206
Pittsburgh branch—										
Number.....			6	6	267		2	19	258	19
Salaries.....			\$37,600	\$37,600	\$304,198		\$3,840	\$26,616	\$334,654	\$19,361
Richmond (total):										
Number.....	1	1	23	25	631	14	18	50	713	41
Salaries.....	\$15,000	\$18,000	\$134,700	\$167,700	\$730,090	\$28,560	\$33,270	\$67,520	\$859,440	\$63,210
Head office—										
Number.....	1	1	16	18	441	14	14	49	518	40
Salaries.....	\$15,000	\$18,000	\$99,800	\$132,800	\$509,790	\$28,560	\$26,910	\$65,960	\$631,220	\$51,650
Baltimore branch—										
Number.....			7	7	190		4	1	195	1
Salaries.....			\$34,900	\$34,900	\$220,300		\$6,360	\$1,560	\$228,220	\$1,560
Atlanta (total):										
Number.....	1	1	31	33	369	9	17	44	439	25
Salaries.....	\$12,000	\$18,000	\$159,300	\$189,300	\$421,500	\$19,580	\$29,040	\$64,060	\$534,180	\$37,980
Head office—										
Number.....	1	1	14	16	219	9	14	35	277	20
Salaries.....	\$12,000	\$18,000	\$80,500	\$110,500	\$237,464	\$19,580	\$23,940	\$54,100	\$335,084	\$32,400
Birmingham branch—										
Number.....			3	3	26				26	
Salaries.....			\$12,900	\$12,900	\$30,580				\$30,580	
Jacksonville branch—										
Number.....			3	3	29				29	
Salaries.....			\$11,800	\$11,800	\$31,740				\$31,740	
Nashville branch—										
Number.....			3	3	26			3	29	3
Salaries.....			\$11,400	\$11,400	\$32,376			\$4,440	\$36,816	\$4,440
New Orleans branch—										
Number.....			5	5	64		3	6	73	2
Salaries.....			\$23,500	\$23,500	\$80,600		\$5,100	\$5,520	\$91,220	\$1,140
Habana agency—										
Number.....			1	1	4				4	
Salaries.....			\$6,900	\$6,900	\$7,660				\$7,660	
Savannah agency—										
Number.....			2	2	1				1	
Salaries.....			\$6,300	\$6,300	\$1,020				\$1,020	
Chicago (total):										
Number.....	1	1	41	43	1,479	61	38	105	1,683	65
Salaries.....	\$24,000	\$35,000	\$276,650	\$335,650	\$2,081,630	\$122,980	\$70,860	\$182,240	\$2,407,710	\$106,780
Head office—										
Number.....	1	1	33	35	1,320	59	34	100	1,513	65
Salaries.....	\$24,000	\$35,000	\$238,750	\$297,750	\$1,802,710	\$120,040	\$62,700	\$173,560	\$2,159,010	\$106,780
Detroit branch—										
Number.....			8	8	159		4	5	170	
Salaries.....			\$37,900	\$37,900	\$228,920	\$2,940	\$8,160	\$8,680	\$248,700	
St. Louis (total):										
Number.....	1	1	26	28	543	13	13	58	627	22
Salaries.....	\$18,000	\$25,000	\$133,540	\$176,540	\$708,956	\$29,700	\$17,940	\$89,300	\$845,896	\$36,720
Head office—										
Number.....	1	1	14	16	338	13	9	58	418	22
Salaries.....	\$18,000	\$25,000	\$81,830	\$124,930	\$439,500	\$29,700	\$12,480	\$89,300	\$570,980	\$36,720
Little Rock branch—										
Number.....			4	4	55		1		56	
Salaries.....			\$15,600	\$15,600	\$76,620		\$1,500		\$78,120	
Louisville branch—										
Number.....			4	4	81		1		82	
Salaries.....			\$18,430	\$18,430	\$100,016		\$1,620		\$102,636	
Memphis branch—										
Number.....			4	4	69		2		71	
Salaries.....			\$17,560	\$17,560	\$91,920		\$2,840		\$94,760	
Minneapolis (total):										
Number.....	1	1	17	19	357.5	12	12	87.5	469	71
Salaries.....	\$15,000	\$20,000	\$89,200	\$124,200	\$487,498	\$23,380	\$21,200	\$115,453	\$667,536	\$100,754
Head office—										
Number.....	1	1	13	15	309	12	10	83	414	66
Salaries.....	\$15,000	\$20,000	\$72,000	\$107,000	\$380,488	\$23,380	\$18,500	\$109,368	\$531,736	\$92,064

Number and annual salaries of officers and employees of each Federal reserve bank and branch as of December 31, 1923—Continued.

Federal reserve bank or branch.	Officers.				Employees.					Total includes following reimbursable salaries, principally in fiscal agency department.
	Chairman and Federal reserve agent.	Governor.	Other officers.	Total officers.	Banking department.	Federal reserve agent's department.	Auditing department.	Fiscal agency department.	Total employees.	
Minneapolis—Continued.										
Helena Branch—										
Number.....			4	4	48.5		2	4.5	55	5
Salaries.....			\$17,200	\$17,200	\$57,010		\$2,700	\$6,000	\$65,800	\$8,090
Kansas City (total):										
Number.....	1	1	26	28	626	15	18	73	732	107
Salaries.....	\$15,000	\$20,000	\$133,820	\$168,820	\$878,040	\$32,040	\$30,120	\$134,240	\$1,074,440	\$142,223
Head office—										
Number.....	1	1	13	15	362	15	13	61	451	88
Salaries.....	\$15,000	\$20,000	\$78,700	\$113,700	\$521,520	\$32,040	\$22,440	\$111,920	\$687,920	\$113,003
Denver branch—										
Number.....			4	4	77		1	4	82	3
Salaries.....			\$16,200	\$16,200	\$104,400		\$1,560	\$7,080	\$113,040	\$4,980
Oklahoma city branch—										
Number.....			4	4	94		1	4	99	3
Salaries.....			\$15,600	\$15,600	\$116,340		\$1,560	\$6,720	\$124,620	\$4,920
Omaha branch—										
Number.....			5	5	93		3	4	100	13
Salaries.....			\$23,320	\$23,320	\$135,780		\$4,560	\$8,520	\$148,860	\$19,320
Dallas (total):										
Number.....	1	1	21	23	454	15	21	43	533	18.58
Salaries.....	\$18,000	\$18,000	\$103,350	\$139,350	\$626,320	\$36,620	\$39,420	\$73,310	\$775,670	\$32,510
Head office—										
Number.....	1	1	13	15	329	14	16	40	399	15.33
Salaries.....	\$18,000	\$18,000	\$71,850	\$107,850	\$459,290	\$33,620	\$29,520	\$68,240	\$590,640	\$27,020
El Paso branch—										
Number.....			4	4	61		2	3	66	3.25
Salaries.....			\$16,500	\$16,500	\$82,120		\$4,140	\$5,070	\$91,330	\$5,490
Houston branch—										
Number.....			4	4	64	1	3		68	
Salaries.....			\$15,000	\$15,000	\$84,940	\$3,000	\$5,760		\$93,700	
San Francisco (total):										
Number.....	1	1	39	41	964	23	28	79	1,094	24.76
Salaries.....	\$24,000	\$25,000	\$214,900	\$263,900	\$1,408,460	\$90,280	\$49,320	\$134,640	\$1,652,700	\$44,979
Head office—										
Number.....	1	1	18	20	330	23	14	64	431	10.76
Salaries.....	\$24,000	\$25,000	\$121,800	\$170,800	\$498,320	\$60,280	\$25,080	\$107,820	\$691,500	\$20,319
Los Angeles branch—										
Number.....			5	5	267		4	2	273	8
Salaries.....			\$22,920	\$22,920	\$363,000		\$6,660	\$3,360	\$373,920	\$13,860
Portland branch—										
Number.....			4	4	79		1	5	85	
Salaries.....			\$16,680	\$16,680	\$110,400		\$1,200	\$9,000	\$120,600	
Salt Lake City Branch—										
Number.....			5	5	155		5	2	162	2
Salaries.....			\$23,500	\$23,500	\$247,680		\$8,880	\$3,840	\$290,400	\$3,840
Seattle branch—										
Number.....			3	3	68		2	4	74	2
Salaries.....			\$12,540	\$12,540	\$93,360		\$3,120	\$6,780	\$103,260	\$3,120
Spokane branch—										
Number.....			4	4	65		2	2	69	2
Salaries.....			\$17,460	\$17,460	\$94,800		\$4,380	\$3,840	\$103,020	\$3,840

ENROLLED BILL SIGNED.

Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

S. 214. An act for the relief of the Old National Bank of Martinsburg, Martinsburg, W. Va.

WAR DEPARTMENT APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7877.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7877, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7877, the War Department appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7877) making appropriations for the military and nonmilitary activities for the War Department for the fiscal year ending June 30, 1925, and for other purposes.

The CHAIRMAN. When the committee rose yesterday there was a point of order pending against an amendment offered by the gentleman from Texas [Mr. HUDSPETH].

Mr. SNELL. Mr. Chairman, I would like to take just a minute of the House's time.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. SNELL. Under section 2 of Rule XXI the rule says:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Under section 21, defining what is meant by "projects already in progress," it specifically states:

The purchase of adjoining land for a work already established has been admitted under this principle.

The gentleman from Texas [Mr. HUDSPETH] states that this land is adjoining to the Fort Bliss Reservation. So far as the parliamentary situation is concerned, there is absolutely no question but that the amendment is in order. But personally I think it is wrong economically to allow such a proposition to come in. But so far as the amendment is concerned, it is absolutely in order.

Mr. LONGWORTH. Mr. Chairman, may I say just a word?

The CHAIRMAN. The Chair will be glad to hear the gentleman from Ohio.

Mr. LONGWORTH. I have looked up the precedents since I addressed the House last evening, and there is no question in the world but that the precedents all hold that where it is contemplated to purchase land which is in fact adjacent to any land owned by the Government it is deemed to be a continuation of a public work, and that has been the uniform line of precedents. It is noteworthy, however, that in these precedents, which appears in Hinds', fourth volume, section 3766, and following for several pages, the point of order was usually made by an eminent parliamentarian. Mr. Olmsted, of Pennsylvania, made the point of order on two or three different occasions, as did Mr. Cannon, of Illinois, and others.

What I want to suggest to the Chair is that there are times when it may be advisable to depart from the precedents, where

it is evident that the precedents are against the public interest. For instance, if the Chair should hold, following these precedents, in this particular case that it is in order to appropriate land or take land, as is contemplated by the amendment offered by the gentleman from Texas, merely because it is adjacent to an existing military reservation, we find this sort of a situation: If, for instance, the Government owned an acre of land which was a reservation of some sort, it would be in order to annex the township to that land—the township in which it lay. Thereupon it would be in order to annex the entire county, after which it would be in order to annex the State. The State having been annexed, it would be in order to annex the whole United States, and even, as the gentleman from Kentucky suggested to me a moment ago, the 3-mile limit.

Now, that seems to be a perfect absurdity. It seems that the original ruling was made without due regard to its final effect. The present occupant of the chair is an extremely broad-minded man. He attempts in his rulings, whenever possible, to have the public good first in mind. I suggest to the Chair that this would be a very fine opportunity to overrule this general line of precedents, in order that we may not be faced with such an absurdity as the one now before us.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield for a question?

Mr. LONGWORTH. I will yield to the gentleman with pleasure.

Mr. GARNER of Texas. I have not been in close attendance upon the proceedings of the committee, but my recollection is that the Chair has already had one experience of that kind and the committee failed to sustain his viewpoint.

Let me ask of the Chairman and of the gentleman from Ohio, Who is to determine whether this is good public policy or not?

Who is to determine whether the precedents of 50 years past are good or bad precedents? Is the one man now sitting in the chair to revolutionize the precedents of the House of Representatives for the last 50 years because, forsooth, his judgment is not in accord with them? A very distinguished Speaker of this House has said, and very truly said, that this House is master of itself; and if we can establish the precedent here that one man can overrule the precedents of 50 years, then the House can establish another precedent and produce another revolution, as it did some years ago when it upset itself and produced what amounted to a revolution.

Mr. LONGWORTH. Let me suggest to the gentleman that the precedents do not go back 50 years. The first precedent quoted was in 1907, 16 years ago. After all, it was a very technical decision.

Of course I am not in favor of revolution, in what I said to the Chair, or suggesting that he would put himself again in a position where he would be in danger of being overruled. I would suggest, however, that the Chair submit this question to the House for its determination. I should be very glad to abide by the decision of the House.

Mr. BLANTON. Before the Chair rules on that subject, Mr. Chairman, I would like to be heard.

The CHAIRMAN. The Chair is ready to rule, but he will hear the gentleman.

Mr. BLANTON. For a moment, in view of what the gentleman from Ohio [Mr. LONGWORTH] has said. Whenever expediency enters into a decision of the Chair gentlemen are going to find themselves meeting their decisions face to face, coming back again.

I want to remind the gentleman from Ohio [Mr. LONGWORTH] of his position that was taken here on a District bill once, when the gentleman from Michigan [Mr. CRAMTON] was insisting on his provision in the bill to buy land adjoining a school building and erect a new school building on it in lieu of the old one. I remember very distinctly the ruling of the gentleman from Ohio [Mr. LONGWORTH] on that matter, to wit: That it was a continuing operation on the part of the Government; it was a continuing business, because, having the old building, the new one contemplated was in the nature of repair work, and so on, and it even went further than that. Another question came up about buying new playgrounds entirely across the street from the existing building.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

Mr. BLANTON. Yes.

Mr. MADDEN. Of course, the gentleman's ruling at the time was based on a request by the Government for the purchase of the land, but there is no such request before us now.

Mr. BLANTON. I want to show how far it went. It even went to the extent of buying a new playground entirely across the street. There was a street there intervening. I stood on

the floor and argued against the precedent that would be thus established. But expediency intervened and controlled.

They wanted these playgrounds across the street and they wanted the new building, and the gentleman from Ohio [Mr. LONGWORTH] did not hesitate to set aside precedents then.

Mr. LONGWORTH. But, as I recall, that was not an amendment offered from the floor.

Mr. BLANTON. No; it was in the bill, but it was legislation.

Mr. LONGWORTH. It was legislation reported by the committee.

Mr. BLANTON. But it has been held for 50 years that an appropriations committee has no more right to put legislation in an appropriation bill than any Member has from the floor. A committee can not do a thing in an appropriation bill legislatively which any Member from the floor can not do, so far as new legislation is concerned.

Mr. LONGWORTH. The "gentleman from Ohio" will admit that sometimes he takes the easiest way when he is in the chair.

Mr. BLANTON. I know that; but then he always meets himself coming back, as in the present instance.

Mr. LONGWORTH. Nevertheless, I should think it would be very wise to change this line of precedents.

Mr. RANKIN. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. RANKIN. Yes.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. RANKIN. In reply to the argument of the gentleman from Ohio [Mr. LONGWORTH] to the effect that these points of order were made by eminent parliamentarians, and should be given great weight, even if they were overruled, I would like to call the Chair's attention to the fact that in the case reported in Hinds' Precedents, section 3769, the amendment was offered by Mr. Joseph G. Cannon, himself one of the most eminent parliamentarians, perhaps, this House has had in many years. That is one of the cases carrying out the contention of the gentleman from Texas [Mr. HUDSPETH] in opposition to this point of order.

I wish to call the Chair's attention to the fact also that the case reported in Hinds' Precedents, section 3771, was decided by possibly the ablest parliamentarian who ever presided over this body, the Hon. James R. Mann, of Illinois. Then there is another case reported in Hinds' Precedents, section 3768, which carries out the contention of the gentleman from Texas. That case also was decided by a very eminent parliamentarian, Mr. Dalzell, of Pennsylvania.

So, if you are asked to sweep aside former decisions of the Chair and merely look to the eminence of the gentlemen who made the points of order, I submit the Chair might take into consideration also the eminent parliamentarians who offered these amendments, as well as those eminent parliamentarians who rendered these decisions, all of which, under these sections, carry out the contention of the gentleman from Texas in opposition to this point of order.

Mr. CANNON. Mr. Chairman, it may be suggested, in further corroboration of what the gentleman from Mississippi has said, that on more than one occasion, as in the present instance, the Chairman, in deciding such points of order, has reserved his decision until the succeeding day, so that these opinions have not been hastily rendered but are the studied results of long deliberation by some of the ablest men who have presided over the deliberations of the committee.

I regret to have to differ somewhat from the gentleman from Ohio as to the logical reason for these decisions. The gentleman from Ohio very well suggests that we might carry the application of this doctrine to the extreme and admit an amendment providing for the annexation of a county, a State, or even the entire United States. Of course, there is no argument which can not be carried to the absurd, *reductio ad absurdum*. These bills provide for the purchase of ammunition. We might by the same analogy provide for the purchase of millions of rounds of unnecessary ammunition, but of course the rule has never been invoked for that purpose, and no amendment of the extreme nature suggested by the gentleman from Ohio will ever be seriously proposed.

Mr. RANKIN. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. RANKIN. The case decided by Mr. Dalzell in section 3768 of Hinds' Precedents—instead of 3769, as I suggested a while ago—was decided 24 years ago, May 4, 1900. That carries us back approximately a quarter of a century.

Mr. CANNON. That is true, and there were many similar decisions prior to that time. I might say, Mr. Chairman, that it is but logical to expect increases in the area of rifle ranges. Improvements are being constantly made in the manufacture of rifles and the range of all firearms constantly increases year to year. A range which was considered phenomenal a quarter of a century ago would to-day be considered very ordinary. It may be recalled that the English, when they took over Gibraltar, demanded in addition to the fortress itself a margin of 200 yards of land adjacent to the fort in order to put the boundary line beyond the range of hostile artillery.

No doubt the diplomats who negotiated that treaty would be much surprised to know that modern artillery has developed such a range that in the recent war Paris was bombarded from a point something like 50 miles away. In the development of gunnery it is just as essential to have an adequate range as it is to have ammunition, targets, or any other accessories required for rifle practice, and it is quite possible, if not certain, that land which was considered ample for that purpose a decade ago may today be wholly inadequate.

The theory admitting such amendments is not only supported by a long and unbroken line of precedents, but is in keeping with legislative requirements and sound reasoning.

Mr. LONGWORTH. Mr. Chairman, am I right in the idea that a point of order has been made, not only that this is not a continuation of a public work but that it is not germane to this particular paragraph?

The CHAIRMAN. The Chair thinks both points of order were made.

Mr. LONGWORTH. That is what I understood.

The CHAIRMAN. The Chair is ready to rule. After wandering for a long time through the intricate maze of conflicting decisions relating to limitations, germaneness, and the Holman rule, it is really a joy to come out into the open sunshine where there is but one line of decisions and be able to follow this line. In reading the bill the Clerk had reached the item "Shooting galleries and ranges." This paragraph, among other things, provides ranges for small-arms target practice, and so on. To this paragraph the gentleman from Texas [Mr. HUDSPETH] offers an amendment in effect providing for the acquisition of 3,600 acres of land adjoining the Fort Bliss Military Reservation in Texas as an addition to said Fort Bliss Military Reservation for maneuvering, drill ground, target practice, artillery practice, and other military purposes. It is conceded that this is a reservation established by law.

Mr. HUDSPETH. Yes; I will state to the Chair it was established March 1, 1900, by act of Congress.

The CHAIRMAN. The Chair has assumed that was so. While, technically, this might not be considered a proper amendment to this particular paragraph, the Chair does not now decide as to that point. If ruled out on such a point it could be immediately offered as a new paragraph, so that there would be nothing gained by overruling a technical point of order. The Chair prefers to decide the point of order upon its parliamentary merits.

The line of decisions is not a very long one, as the gentleman from Ohio [Mr. LONGWORTH] has stated, but this line has been uniform and is founded upon the principle, as the Chair believes, that a great public work having been begun it should not be possible for any one individual by making a point of order to prevent the expanding of that public work. In the case of schools additional ground might be needed for playgrounds. In the case of hospitals additional ground might be needed, and in the case of target ranges, undoubtedly, as indicated by the gentleman from Missouri [Mr. CANNON], year after year we have had to add to such reservations for the purpose of increasing the territory of our target ranges. The principle is that the Government having begun a work it should be able to proceed to enlarge it as the proper demands make necessary. From the parliamentary viewpoint it is immaterial whether the proposed additional land is a few feet or a million acres. It is the principle upon which the precedents are based, and the present occupant of the chair does not feel inclined to override such a principle.

Nothing would be gained, as the Chair sees it, by submitting the question to the decision of the membership of the House. There is nothing to prevent the committee from overruling the present decision of the Chair, with or without reason, as has been done in times past. Naturally, individual Members of the House oftentimes are influenced by the merits of the proposition. It is impossible to free themselves from such an influence, and no criticism is intended in referring to it here. If the membership of the House feel inclined to overrule the decision of the Chair in this particular case on account of the

merits of the proposition, the present occupant of the chair is not at all sensitive about such things, because he tries to rule according to what he believes to be right and best from the parliamentary standpoint, to maintain the orderly procedure of this House as it should be for the public good. Beyond this he is not at all concerned. The merits of the proposition in all cases should stand upon their own bottom. The Chair overrules the point of order.

Mr. HUDSPETH. Mr. Chairman, owing to the fact that I have a little data that is necessary to be read to the committee, I ask unanimous consent that I may speak on the amendment for 10 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, it seemed to be in the mind of the gentleman from Ohio [Mr. LONGWORTH] that one reason why the amendment should be held out of order was that there was too much land sought to be purchased. I want to state to the House that, of course, if we had been silly enough, or if the commanding general at Fort Bliss had been silly enough, he could have asked for the purchase of all the territory in El Paso County adjoining this post, but I want to state to the gentleman from Ohio and to the members of the committee that every acre of this land that is sought to be purchased has been used by the Federal Government for 15 years, at a cost of \$1 per year to the Federal Government, up to the 24th day of January, when a portion of this land was leased, and the Government now pays an annual rental of \$6,000 for a portion of it.

The Federal Government, gentlemen, has used this land for 15 years, the chamber of commerce for a number of years leasing it from the owners, and the citizens of El Paso paying the lease. The Government has used it for maneuvering purposes, has cut up this land with its artillery and has tramped over it and tramped out the grass and the turf with its cavalry horses for 15 years. I want to ask this committee if they do not think, in all fairness to the citizenship and to the people who own this land, that the Federal Government ought to pay something for it.

Let me again call to your minds, gentlemen, the fact that the Fort Bliss military post is a division post, the second largest, I believe, in the South. The old post was established, as I stated yesterday, I think, before the Civil War, the new Fort Bliss in 1890. This is a great big military post that protects the border on the west to the line of California and to the east for 600 miles along the sinuosities of the Rio Grande, and yet the Federal Government has never paid one dollar for the land on which the post is situated.

When the old post was moved from the river where it was subject to overflow, the citizens of El Paso went down in their pockets and paid \$50,000 for one section of land, if my memory serves me accurately now—640 acres—and when I was a member of the State senate it was found that a part of this post had extended to a section of land owned by the State of Texas, where there were then erected many thousand dollars' worth of valuable property belonging to the Federal Government, and I introduced a bill in the State senate, which was passed by the legislature and approved by the governor, granting title in the Federal Government to this State land. So that of this 1,280 acres of land, the part comprising the present military reservation of Fort Bliss did not cost the Federal Government one dollar. They have been using the land of these citizens there for 15 years and every acre of it, so the commanding general says, is needed. The Secretary of War says it should be purchased. Secretary Baker submitted to the Congress, when he was Secretary of War, a request that this land be purchased, and yet we have been met for five years with the proposition that the Government should not purchase any additional land.

What does General Howze say? There is one tract of this land known as the Morehead tract, and I have here a map showing, in red, the land that is sought to be purchased. This is the military reservation and this is one of the hospitals [indicating].

The William Beaumont Hospital for ex-service men and for soldiers of the Regular Army is located there on the original site, and cost the Government about \$5,000,000. All of that land now owned by the Government is used and occupied in buildings and other military activities. I want to call your attention to this matter as a business proposition. General Howze has something to say in regard to it in the letter addressed to The Adjutant General—a copy I hold in my hand and a copy of which I placed in the record. I was struck by the statement of the gentleman from Kentucky [Mr. JOHNSON]

the other day in regard to the policy that has been pursued in the last five years in curtailing appropriations that has been found to be an unwise policy—"a penny-wise and pound-foolish policy"—and he showed it. General Howze says that the Cavalry has been using for many years this ground. That is the ground marked in green on this map, and they have been paying a dollar a year. He says:

The Cavalry regiments, machine-gun squadrons, special troops, and the division Air Service have for many years been using this ground that neither belongs to nor is leased by the Government. The owner has permitted the Government to use this tract. In consequence troops may be barred from this ground at any time. This tract is known as the Morehead tract. It contains 300 acres and lies immediately adjoining and east of the southern half of the reservation. It is the only tract that can now be acquired which meets the requirements of a drill and landing field. It adjoins the Cavalry and machine-gun barracks, is in continuation of the Air Service hangars and quarters, and is in constant use by the Air Service. It is the only available situation for a landing field in the vicinity of the city of El Paso. The loss of this tract would mean that the investment of the Government in the hangars and buildings housing the Air Service will be lost, that the Air Service will lose this available field as a training ground for reserve Air Service officers, and that the transcontinental airways will lose one of their best intermediate stations.

He says that the land may be taken away at any moment, and according to figures that I placed in the RECORD—he does not state the amount, but some one else does—that if the owners took the land which they can do at any time, because the Government does not have any lease—the Government has buildings on it to the amount of \$79,000—that would practically be an entire loss.

Mr. SNELL. Will the gentleman yield?

Mr. HUDSPETH. I will.

Mr. SNELL. Are there not other places where Army posts are using ground not belonging to the Government?

Mr. HUDSPETH. In that vicinity?

Mr. SNELL. No; at other places in the United States.

Mr. HUDSPETH. There may be; but does the gentleman think that the Government should continue to use this land, as it has for 15 years, when the owners can sell a great portion of the land for much more than is now being asked for it for residential property?

Mr. MADDEN. Will the gentleman yield?

Mr. HUDSPETH. Certainly.

Mr. MADDEN. Would the gentleman be willing to have the post moved?

Mr. HUDSPETH. There is not a citizen in that part of the country who thinks it ought to be moved.

Mr. MADDEN. The gentleman himself would not want it moved.

Mr. HUDSPETH. No; would the gentleman from Illinois want the hospital, established recently close to Chicago, moved? The gentleman from Illinois came here and asked for a big appropriation to establish that hospital and I voted for it.

Mr. MADDEN. The gentleman from Illinois did not do anything of the kind.

Mr. HUDSPETH. The gentleman did.

Mr. MADDEN. The hospital was under construction.

Mr. HUDSPETH. The gentleman got the appropriation to complete it, and I voted for it. This post is as much the property of the gentleman as it is mine. It is Government property, and the gentleman from Illinois is as much interested in it as I am, or should be. I am only asking that this post be completed.

Mr. MADDEN. I thought the gentleman was complaining that it was there.

Mr. HUDSPETH. The gentleman from Illinois did not think any such thing.

Mr. MADDEN. And wanted it moved.

Mr. HUDSPETH. The gentleman did not so understand. I am simply coming here and asking the Government and Congress to pay the citizens for land that has been used for 15 years. It has got as much out of the citizens of El Paso, and more than my citizens have been benefited by this post, I will state to the gentleman from Illinois. And yet every citizen there is proud of our great military post.

Mr. McKENZIE. Will the gentleman yield?

Mr. HUDSPETH. Yes; I yield to my friend from Illinois, Mr. McKENZIE.

Mr. McKENZIE. I wish to ask the gentleman whether he has a bill pending for this purpose before the Committee on Military Affairs.

Mr. HUDSPETH. I have not now. I have had for a number of years, but at the present time I have no bill pending

because we considered it an urgent need, and that the Appropriations Committee should take care of it at once, and the Secretary of War says it ought to be purchased. It is true that he said he had other matters he deemed greater need at this time. If my friend from Illinois will indicate that his committee will report out a bill I will have one before that committee in 24 hours.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, I will ask for 10 minutes more.

The CHAIRMAN. The gentleman from Texas asks that his time be extended 10 minutes. Is there objection?

Mr. MADDEN. I do not think we ought to take so much time. I am willing to compromise, however.

The CHAIRMAN. Is there objection that the time be extended for five minutes?

There was no objection.

Mr. RANKIN. Will the gentleman yield?

Mr. HUDSPETH. I will.

Mr. RANKIN. The gentleman from Illinois [Mr. MADDEN] asked the gentleman from Texas if he would be willing to have the post moved. As a matter of fact the post was put there because it is on the Mexican border, and the gentleman knows that it is utterly impossible to move the Mexican border, and if this post was moved it would endanger the safety of the citizens along that border.

Mr. HUDSPETH. The gentleman from Illinois discounted my intelligence, or if serious in the question his should be discounted when he asked the question, because it is a post that has protected my home city from being sacked in the night, and citizens murdered in their sleep, in all probability if the post had not been adjacent thereto. Let me say this to the gentleman from Illinois because he does not seem to understand the situation down there. Pancho Villa took his army across the border line at Columbus, N. Mex., in the dead hours of night, 80 miles west of Fort Bliss, and if it had not been for American troops he would have shot down in cold blood and murdered all of the citizens and burned the town—he did murder quite a number of our citizens before the troops could drive him out.

This same Villa in 1919 invested the city of Juarez with his troops, and took the main portion of that town. That is just across the river from the city of El Paso, a city of 100,000 people. He made the boast at that time, because the Federal Government would not let him bring his troops across on this side from one point to another, and they had let Carranza do the same thing, that he was going to sack the city of El Paso after he had taken Juarez, and he had practically taken Juarez at that time. He had placed his guns on the hills where they could sweep the streets of the city of El Paso, and in 1911, when Madero took the town of Juarez, advancing with his army from the northwest, there were 18 citizens shot down on the streets of El Paso. In 1919 Villa said that he would go over and take the gringo town, meaning the American town, after he had taken Juarez, so I am informed, and sack it and loot the banks, but the commanding general at Fort Bliss did not wait for the gentleman to make good his boast. He took his khaki-clad boys across that bridge and he drove Villa out and chased him down the road toward the city of Chihuahua, and there was not a single dollar's worth of property destroyed in El Paso or a life lost. Those troops were taken from this post where we are asking that the land be purchased, and General Howze, in his statement, and the Secretary of War both say that it should be purchased, so that our military forces may have enough ground there for maneuvering purposes. If any gentleman thinks the amount asked is too large let him offer an amendment, but I think the amount asked is reasonable, and I placed in the RECORD a statement to that effect from three reputable citizens who know values. For 15 years, as I say, they have been using this valuable land. This is no real-estate scheme. When I offered a bill five years ago for the purchase of some of this land, which was asked then \$160 an acre, and the committee thought it unwise or the price too high they did not purchase it, and to-day they could not buy that land, General Howze states, and there are other statements to that effect in the record, for much more than that sum. There is only one way for El Paso to grow. The river is on the south and there is a chain of mountains on the north. It can grow only to the east. In 1900 El Paso was a struggling town of 15,000 people. In 1910 the decennial census shows 39,000 and in 1920 it shows 78,000. The telephone records now show a city of over 100,000 people. The residential portion is right up against this land on the south. They will not sell that land

that we offered five years ago for the price which the Government could afford to pay, because much of it has been withdrawn for city lots and is needed for residential property, but this land, the purchase of which this amendment contemplates, is valued at a reasonable price. We have a great pride in our post. Certainly we do not want it moved, nor does any citizen down there, because it has probably saved damage to my town and the sacking of many other towns along the border during the troublesome days during the various revolutions in Mexico, which have occurred frequently during the past 50 years. Now, it is contended that this price is too high by the gentlemen here, and the gentleman from Kansas [Mr. ANTHONY] has read into the record a letter offering, by another gentleman in El Paso, 1,200 acres to the Government for \$50 per acre. It may be worth it. But General Howze says you can buy 3,265 acres in this offer for \$50 per acre. Now, I read in the hearings, presided over by the gentleman from Kansas, that at Dayton, Ohio, for a flying field of 250 acres you have been paying \$60,000 per year for five or six years, as a lease. You are paying one-fourth as much lease for 250 acres per year as is asked for a title in fee to this 3,600 acres I am asking you to purchase.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ANTHONY. Mr. Chairman, the Budget estimates this year contain no provision or recommendations for the purchase of additional land at Fort Bliss. When the Secretary of War was before our committee he was specifically asked in regard to the desirability of expending this \$366,000, for this land at Fort Bliss. He said that while, in his opinion, it would be desirable, yet there were a dozen projects that he had in mind for which he would rather have the money now than this proposition at El Paso. Your committee thinks that it is a question that should be very carefully looked into before we buy such a large tract of land as this for such a large price, and especially in view of the declining real estate values. There is no question but that land values around El Paso have been high. The town has had a rapid growth. The Government has expended millions of dollars there every year ever since 1916, when the border concentration of troops was made largely there, and the town has grown in population and real estate values have gone up, but the committee has a very significant letter from a real estate firm in El Paso, written by J. E. Bowen, secretary of the El Paso Pecos Realty Co., which also makes an offer of land to the Government and offers some 1,280 acres, which are located adjoining the military reservation, to the east and to the north of it, land which has also been used by the Government during the border concentration for the National Guard and other purposes, and for which owners had asked the Government, a year or two ago, \$100 an acre. Mr. Bowen concludes his letter with this very significant statement:

The Government at that time, or rather later, asked for a 10-year lease of land. We offered a 5-year lease, which for some reason was not accepted. They also asked for a price, which we made of \$100 an acre, for section 11, and \$75 an acre for section 19. However, at this time the stockholders of the company are prepared to make a real sacrifice, as they need the money, and we will sell the 1,280 acres for \$50 an acre.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HUDSPETH. There is a portion of this land, as the gentleman will see by the statement of General Howze, that is offered for \$51 per acre, that is down in the brakes. I have not a dollar's interest in any acre of this land, and it is immaterial to me whether the Government purchases the land. The reason I present this matter is because it is land selected by the commanding general as best adapted for military purposes in sham battles, artillery practice, target range, and a portion of it is as level as this floor, suitable for drill purposes. It is immaterial to me from whom the land is purchased.

Mr. ANTHONY. There is another reason why we ought to go slowly in regard to the purchase of a large amount of land like this. The situation on the Mexican border now is not the same as it was a year or two or three years ago. We have reached a state of amicable relations with the Mexican Government. We have resumed diplomatic relations. There is no immediate danger of another large concentration of troops on the border, and I gravely doubt whether we will need all of this land at the Fort Bliss Army post.

It is true the Government has had the use of large acreages of land near Fort Bliss during the last 8 or 10 years for military purposes, but these lands have been gladly tendered to the Government by the citizens of El Paso, because the Gov-

ernment, as I say, has been expending millions of dollars a year there. It has not been a one-sided or jug-handled contract, and I think the citizens of El Paso have been abundantly repaid for their generosity to the Government in the use of this land. I think that a committee of Congress should have an opportunity to carefully examine into so large a purchase of this kind before the House places its approval upon it.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. The gentleman from Texas, very properly representing his constituency, offers an amendment to this bill for the purchase of a large acreage of land adjoining Fort Bliss at a large price per acre. Who fixed the price I do not know, how it was fixed I do not know, and neither does anyone else.

Mr. HUDSPETH. I will inform the gentleman if he will yield.

Mr. MADDEN. I will yield.

Mr. HUDSPETH. The price I understand was obtained by General Howze, the commanding general, from the men who owned the land.

Mr. MADDEN. But the commanding general may not be the same commanding general to-morrow who is there to-day, and the opinion of the present commanding general may not be the opinion of the next commanding general, and besides there is no commanding general under our practice who has the authority to buy land. They have no authority to make contracts that are binding on the Government, and we have had many instances to show that contracts made by commanding generals have been repudiated because of lack of authority in these commanding generals. It may well be that the commanding general there to-day thinks that this land is an essential need for the post, but there are higher authorities than commanding generals and those high authorities have not submitted any proposal to the Congress to buy the land. We are paying \$6,000 rent for this land now. The gentleman said we are using the land. We are, but we are paying for it out of the Treasury of the United States. The use of this land is not a free proposition at all, it is a business question, and there is a contract existing between the United States and the owner of the land, and I apprehend that \$6,000 a year is a very large rental to pay, and \$110 per acre a very large price per acre to pay if we buy the land. But there is no reason why the land should be purchased. The mere fact it is at El Paso and that that city is on the Mexican border and that the population of El Paso has increased until it is now 100,000 has nothing whatever to do with the case. Why, it is not long since that El Paso wanted the Government of the United States to drain El Paso as a great national problem, simply to take the water out of the cellars in El Paso that seeped through from the bed of the Rio Grande.

I made a full investigation of that situation at the time, and it is a fact that it was not a great national problem. There were several reasons. First, there was no navigation problem, because the Rio Grande River at that point is not navigable. There was not any international problem because in the proposal El Paso had nothing to do with Mexico and the United States combined. And, third, it was disclosed that the only thing included in the proposal specific to El Paso was that they have a 1,000-acre swamp in the center of El Paso they wanted drained at the expense of the Federal Government, and I am opposed to the enactment of the amendment submitted by the gentleman from Texas for the purchase of this land which would cost \$366,000.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. MADDEN. I will.

Mr. LONGWORTH. The practical effect of this would be to make the Government pay three times for the land what it is now paying in the way of interest. That is, if we are now paying \$6,000, 5 per cent on \$366,000 would be practically three times the amount in interest that we are now paying.

Mr. MADDEN. Surely, if we bought the land.

Mr. RANKIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. HUDSPETH. Will the gentleman yield there for a moment?

Mr. RANKIN. I will.

Mr. HUDSPETH. I want to state to the gentleman from Illinois he misunderstands the proposition, misstated it by saying there was an immense amount of land on which they are paying rental. They are paying rental on a portion of this land at \$6,000, whereas on the whole amount they have had the use for years and years at \$1 a year.

Mr. MADDEN. The gentleman does not deny we are paying \$6,000?

Mr. HUDSPETH. But the Government is paying \$6,000 on only a portion of it.

Mr. RANKIN. The gentleman from Kansas [Mr. ANTHONY] said that some individuals had a very large tract of land somewhere along in this location which they offer for less money. Now, as a matter of fact, I want to ask the gentleman from Texas if it is not a fact that when this drill ground, target range, and so forth, was selected the commanding officer could have got any of this land he wanted.

Mr. HUDSPETH. No; the adjoining land mentioned by the gentleman from Kansas may not be adapted for military purposes. The land may be situated where General Howze or other military officer might not wish the Government to purchase it at any price. Relative to the statement of the gentleman from Illinois that El Paso wanted so much out of the Federal Government, I want to state this to the gentleman: We asked for a survey to be made there to protect the lower part of the city, where there were also Government buildings, customhouses, and so forth, that had been inundated by over flow. That is all we wanted. The citizenship of El Paso are now draining their overflow land and not asking the Federal Government for a cent. We did not ask that any cellars be drained, and I will state to you that some of the citizens would not permit their cellars to be drained of their contents. [Applause.] We do not ask this Federal Government to drain our cellars.

Mr. RANKIN. The gentleman from Illinois spoke about this land needing drainage. Possibly this land the gentleman from Kansas [Mr. ANTHONY] refers to is along the water edge and may not be adapted at all to military purposes.

Mr. HUDSPETH. It may be; but I am sure if it had been suited for all purposes and could be utilized for military purposes, and the price fixed at \$50 an acre, that General Howze would have selected the 1,200 acres. It is land there where the Government has buildings erected, residential property all around it that is of great value, and the owners are asking a higher price for it, and naturally it should command a higher price. It makes no difference to me, I will state to my friend from Mississippi, what tracts of land are purchased or who owns it; all I ask and urge is that the Government purchase sufficient lands for all military purposes at that great post, which is of so much importance not only to the people of the border but to the whole of this great Republic.

There are 300 acres. They have \$79,000 worth of improvements there, as they state. Naturally that would go at a higher price, right there in the city.

The CHAIRMAN (Mr. BURTON.) The pro forma amendment offered by the gentleman from Illinois [Mr. MADDEN] is withdrawn. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. HUDSPETH.]

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. HUDSPETH. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 32, noes 25.

Mr. ANTHONY. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Tellers are demanded.

Tellers were ordered, and the Chairman appointed Mr. ANTHONY and Mr. HUDSPETH to act as tellers.

The committee again divided; and the tellers reported—ayes 86, noes 36.

The CHAIRMAN. The chair casts a vote in the negative.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. THOMAS of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report, The Clerk read as follows:

Amendment offered by Mr. THOMAS of Oklahoma: Page 28, line 26, after the figures "\$37,400," insert: "For the purchase of a parcel of land containing forty-three and six-tenths acres more or less, lying adjacent to the north of the Canadian River in section 36, township 13 north, range 8, west of the Indian meridian in Canadian County, Okla. Said tract located directly opposite the Fort Reno pumping plant, and to be more particularly described in the instrument of conveyance. Said tract when acquired to be added to the Fort Reno Military Reservation, and to be used in an effort to straighten the course of the said North Canadian River, not to exceed \$3,500."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. THOMAS] is recognized.

Mr. THOMAS of Oklahoma. Mr. Chairman, this amendment is in the nature of a new section following the section just read. The reason for offering this amendment is as follows: The Government has a reservation in Oklahoma known as the Fort Reno Military Reservation. It is bounded on the north by the Canadian River. At one point on the northern line there is a bend in the river that is eating into the reservation, and just opposite the bend is the pumping plant for the fort on the reservation. Unless the river is straightened it will eat into and destroy this pumping plant.

There is a bill pending before the committee relating to this matter, and in the hearings on page 1163 we find a recommendation for the purchase of this particular tract of land, the War Department making the following recommendation:

The acquisition of this land is manifestly desirable, but no estimate therefor has as yet been submitted to Congress.

Preceding that, in their report they state—

The erosion along the banks of the bend of the river near the pumping plant has been giving considerable trouble during past years, and quite a large amount of land has been lost from the reservation due to this continuous erosion. Temporary methods have been tried from time to time, such as tree and shrub planting, piling, etc., none of which have been successful.

Just previous to the recent excessive high water in that vicinity this office received information from Fort Reno that the river was flooding to a dangerous stage, and an officer with engineering experience was ordered to proceed to Fort Reno immediately to take charge of the situation. Coincident with his arrival the water had reached a height beyond any that it had ever gone before, and the whole valley was covered, and a great deal of erosion was taking place. Due to the flood quickly receding and to strenuous work on the part of the local authorities the existence of the pumping plant was saved, though the bank of the river was cut away to within 60 feet of the nearest well, and it is feared that one more flood of the same magnitude will completely ruin the pumping plant, and a very few floods of a lesser nature will eventually accomplish the same results. It is now desired to take steps to permanently protect the reservation boundary and the pumping plant.

The Government has a lease of this land, but the land is owned by a farmer, Mr. Joseph D. Stephens, who in making the lease understood that the money would be made immediately available for the purchase of this tract of land.

The CHAIRMAN. On the point of order, will the gentleman from Oklahoma state if this is for a military purpose? The amendment says, "in an effort to straighten the course of the Canadian River."

Mr. THOMAS of Oklahoma. It is in the nature of a repair. The military purpose, Mr. Chairman, as the matter now stands, is this: The river is destroying some valuable land between the channel and the pumping plant, and unless the river is straightened the water supply will be destroyed. This land is desired by the department to be used in an effort to divert the river away from the pumping plant and water supply for the post.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Oklahoma. Yes.

Mr. SNELL. Is this land across the river from the reservation?

Mr. THOMAS of Oklahoma. It joins the reservation.

Mr. SNELL. The river runs through the land, does it?

Mr. THOMAS of Oklahoma. Yes; but the river is not a large river; it is a small stream.

Mr. SNELL. But it runs between the land you want to buy and the reservation?

Mr. THOMAS of Oklahoma. Yes.

Mr. SNELL. That is what I wanted to find out.

Mr. THOMAS of Oklahoma. But when this ditch is dug the river will be diverted. At the present time the land wanted is on the opposite side of the river.

Mr. SNELL. But the reservation is on the other side.

Mr. THOMAS of Oklahoma. The fact is that the ditch is being dug, and when that is completed the course of the river will be changed.

Mr. SNELL. I know; but at the present time the river is between this piece of land and the present fort?

Mr. THOMAS of Oklahoma. Legally, the river would amount to no more than a public highway or a fence.

Mr. SNELL. If it is a public highway does it detach this patch of land?

Mr. LONGWORTH. Can the bed of the river be used as a road? [Laughter.]

Mr. THOMAS of Oklahoma. At times this river is dry, let me say to the gentleman, but when a flood comes great damage

to the land now owned by the Government is done. If we have another flood like that of last fall it is feared the pumping plant will be destroyed, and there is no other water supply for the remount station. The War Department recommends that this land be purchased. Their report appears on page 1163 of the hearings, and I am acting in accordance with the recommendation of the War Department in making this request.

The CHAIRMAN. The Chair feels constrained to sustain the point of order on the ground that the land proposed to be acquired is not contiguous to any land owned by the Government. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION AND REPAIR OF HOSPITALS.

For construction and repair of hospitals at military posts already established and occupied, including all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, and for temporary hospitals in standing camps and cantonments; for the alteration of permanent buildings at posts for use as hospitals, construction and repair of temporary hospital buildings at permanent posts, construction and repair of temporary general hospitals, rental or purchase of grounds, and rental and alteration of buildings for use for hospital purposes in the District of Columbia and elsewhere, including necessary temporary quarters for hospital personnel, outbuildings, heating and laundry apparatus, plumbing, water and sewers, and electric work, cooking apparatus, and roads and walks for the same, \$489,500: *Provided*, That no part of this appropriation shall be used for the construction of new hospitals.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN (Mr. TILSON). The gentleman from Maryland moves to strike out the last word.

Mr. HILL of Maryland. I desire to ask the chairman of the subcommittee a question. During the war certain enlisted men, privates and noncommissioned officers, were sent to officers' training camps. It was provided that those of them who were afterwards commissioned should receive \$100 a month, and I desire to ask the chairman of the subcommittee whether any provision is made in this bill for the payment of those claims.

Mr. ANTHONY. I presume the gentleman refers to the ruling of the Comptroller General that any of the men in training camps during the war, who were paid as enlisted men, are entitled to the \$100 a month as trainees.

Mr. BULWINKLE. The difference between the enlisted pay and the \$100 a month?

Mr. ANTHONY. I can say to the gentleman that this morning the conferees on the deficiency bill held a meeting, and I find there is included in that bill an item of eight hundred and some odd thousand dollars for pay of the Army, which I was informed covers items such as the gentleman has just described, because it refers to pay previous to 1921. So I am quite sure it covers the claims the gentleman refers to.

Mr. HILL of Maryland. Then the matter is very fully covered by legislation which the Appropriations Committee has initiated?

Mr. ANTHONY. That is the impression I got this morning.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. HULL of Iowa. Will this take care of all those cases or does it take care of only a few?

Mr. ANTHONY. How many of them I do not know. All I know is that that sum of money is carried in the deficiency bill and it is to be used for that purpose.

Mr. HILL of Maryland. Mr. Chairman, I withdraw the pro forma amendment.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words. I desire to ask the chairman of the subcommittee a question which I desired to ask in connection with the paragraph "Barracks and quarters," immediately preceding. What is the plan of the Army and of the Appropriation Committee as to the continuance and maintenance of Army posts? I have in mind, of course, Camp Lewis in the district which I have the honor to represent.

Mr. ANTHONY. I suppose the gentleman refers to some plan of permanent construction to replace the temporary buildings which are fast reaching a stage where they can not be used much longer?

Mr. JOHNSON of Washington. That, and the maintenance of conveniences generally at these posts.

Mr. ANTHONY. There are several items for new construction, but none for Camp Lewis. However, it is our understanding that the Secretary of War intends to come to Congress very

soon with a construction program which will embrace a policy of permanent construction at military posts in order to properly house the Army and replace the temporary structures which the Army is now compelled to use in many places, and which are fast deteriorating, and which should be replaced. That will be a large program and we ought to spend all the way from \$20,000,000 to \$30,000,000 in that work. It is my understanding that the Secretary of War intends to embrace the whole project in one program and ask its approval at some future time.

Mr. JOHNSON of Washington. Then I am justified in believing that items which were originally proposed providing for certain improvements at certain posts, and which do not appear in this bill, will appear in that program.

Mr. ANTHONY. The only projects specifically mentioned in the bill are those relating to entirely new construction, but the appropriation for barracks and quarters takes care of needed repairs.

Mr. JOHNSON of Washington. The War Department is authorized, then, under certain provisions in this bill to take care of the engagements they have entered into or are proposing to enter into in the nature of repairs and betterments?

Mr. ANTHONY. I think they will carry out any necessary contracts in connection with that work.

Mr. JOHNSON of Washington. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

OFFICE OF THE QUARTERMASTER GENERAL.

Salaries: For personal services in the District of Columbia in accordance with "the classification act of 1923," \$586,280.

Mr. BLANTON. Mr. Chairman, I offer a pro forma amendment to strike out the four words in line 18, "Salaries: For personal services."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 30, line 18, strike out the words "Salaries: For personal services."

Mr. BLANTON. Mr. Chairman, I wish that in all these salary matters the spirit of Washington could prevail just a little here in the District of Columbia. On June 15, 1775, when the Continental Congress at Philadelphia chose Colonel Washington as Commander in Chief of the American forces, in his speech of acceptance General Washington said:

As to pay, sir, I beg leave to assure the Congress that, as no pecuniary consideration could have tempted me to accept this arduous employment at the expense of my domestic ease and happiness, I do not wish to make any profit from it. I will keep an exact account of my expenses. Those, I doubt not, Congress will discharge; and that is all I desire.

Of course, the employees of the Government, including the Army and the Navy, are not in a position to do altogether as General Washington did. They must have adequate pay, but they ought to have that same "Washington" spirit of service for the country.

I just want to take up this minute to call attention to the fact that we have at the head of one of the departments here in the District—which is partly paid for by the Government—an insurance commissioner, who has a bill reported favorably right now to increase his salary \$1,700 a year, which would give him more than any one of 28 governors are now receiving in 28 States.

I printed in the RECORD of March 24 some facts and figures and information I gathered concerning that insurance bill and that insurance department, and I am using this moment now to ask my colleagues to please turn to the RECORD of that date and read carefully those facts and figures in my report which I am there giving you. I am sure you will find them instructive. I am sure you will find them beneficial, and I predict that when you read them, there is not a man in this House who will vote for that bill which has already been favorably reported and is now on the calendar ready for passage. And I hope every Senator will take time to read this report.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. BLANTON. Just one moment and then I am through because I do not want to take up the time of the committee. We must pass this Army bill, but I want to say that this "Washington" idea of service should prevail right in the incipency of the life of Army men at West Point and of Navy men at Annapolis. I received a letter a few days ago from a good woman down in one of the east coast States, who said that her boy at West Point was interested in a little bill here to

increase the pay of the cadets at West Point and she hoped I would not offer any objection to the matter because the boys at West Point were needing more money there. I wrote back to the good woman and told her that I was sorry the Government was not doing more for the cadets at West Point and Annapolis than it was doing, that it was treating the boys badly and was not considerate enough of the boys that it sent to Annapolis and West Point. I had to regret, of course, that all that the Government did for these boys was to pay their way from their homes to West Point; all it did was to furnish them their full equipment there except clothing; it gave them their complete education and training free; it gave them their food free; it gave them their lodging free; and it gave them everything they needed with the one exception of clothing, absolutely free. It just paid them also a little measly sum of \$800 a year during their four years while there, and most of them had a little cash surplus saved up when they went out, and the stingy Government does not do anything for them afterwards except to commission them in the United States Army and Navy as commissioned officers for life. That is all this parsimonious Government does for these boys at West Point and Annapolis, and I was sorry the Government could not do more. These specially favored young men should remember the "Spirit of Washington's service," and also that there are millions of other American boys who get nothing.

The CHAIRMAN. Without objection the amendment is withdrawn.

The Clerk read as follows:

In addition to the foregoing employees appropriated for in the office of the Quartermaster General, the services of technical experts and such other services as the Secretary of War may deem necessary may be employed in the office of the Quartermaster General, to be paid from the appropriation for "Incidental expenses of the Army": *Provided*, That the entire expenditures for this purpose for the fiscal year 1925 shall not exceed \$16,300, and there shall be included in the Budget for each fiscal year a statement of the number of persons so employed, their duties, and the amount paid to each.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word simply for the purpose of correcting the record. The gentleman from Texas is in error when he says that the Government pays these boys at West Point and Annapolis \$800 in addition to their clothing and to their maintenance and their food. That is not the fact, and the gentleman from Texas should inform himself as to the situation and under what conditions the cadets at Annapolis and West Point are being paid before making any such statement.

Mr. MADDEN. They pay all of their expenses out of that fund.

Mr. LAGUARDIA. Absolutely. I just wanted to make the record clear in that respect.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

SIGNAL CORPS.

SIGNAL SERVICE OF THE ARMY.

Telegraph and telephone systems: Purchase, equipment, operation, and repair of military telegraph, telephone, radio, cable, and signaling systems; signal equipment and stores, heliographs, signal lanterns, flags, and other necessary instruments; wind vanes, barometers, anemometers, thermometers, and other meteorological instruments; photographic and cinematographic work performed for the Army by the Signal Corps; motor cycles, motor-driven and other vehicles for technical and official purposes in connection with the construction, operation, and maintenance of communication or signaling systems, and supplies for their operation and maintenance; professional and scientific books of reference, pamphlets, periodicals, newspapers, and maps for use in the office of the Chief Signal Officer and the Signal Corps School, Camp Alfred Vail, N. J.; telephone apparatus, including rental and payment for commercial, exchange, message, trunk-line, long-distance, and leased-line telephone service at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army excepting local telephone service for the various bureaus of the War Department in the District of Columbia, and toll messages pertaining to the office of the Secretary of War; electric time service; the rental of commercial telegraph lines and equipment and their operation at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, including payment for official individual telegraph messages transmitted over commercial lines; electrical installations and maintenance thereof at military posts, cantonments, camps, and stations of the Army, fire control and direction apparatus and material for Field Artillery; salaries of civilian employees, including those necessary as instructors

at vocational schools; supplies, general repairs, reserve supplies, and other expenses connected with the collecting and transmitting of information for the Army by telegraph or otherwise; experimental investigation, research, purchase and development or improvements in apparatus, and maintenance of signaling and accessories thereto, including patent rights and other rights thereto, including machines, instruments, and other equipment for laboratory and repair purposes; tuition, laboratory fees, etc., for Signal Corps officers detailed to civilian technical schools for the purpose of pursuing technical courses of instruction along Signal Corps lines; lease, alteration, and repair of such buildings required for storing or guarding Signal Corps supplies, equipment, and personnel when not otherwise provided for, including the land therefor, the introduction of water, electric light and power, sewerage, grading roads and walks, and other equipment required, \$1,845,970.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word.

This paragraph has to do with the Signal Service of the Army and there has arisen a serious question in reference to the Navy, the Army, and the Department of Commerce in the matter of radio service. It is the contention of the business world that the Army transgresses on the rights of the civilian in the use of their radio instruments and the same contention is made with reference to the Navy.

This matter of the control of the air by radio is one of the most vital questions before the American people to-day. It should be given attention. There is an effort being made on the part of some to absolutely take control of the air for communication purposes. Gentlemen, we have let our natural resources, in many instances, be taken away from us, and we should start now, in time, to save for the people of this country the use of the air for communication purposes. [Applause].

The War Department has developed and is developing many discoveries and so is the Navy. It is going to be necessary to do something to avoid any unnecessary interference on the part of the War Department or upon the part of the Navy Department, but there are times and there are periods when the Army ought to have a free hand, and so ought the Navy, in trying out the new inventions and discoveries, and there ought to be periods of time fixed when they may try out this system of communication without any interference from the Department of Commerce.

I hope this Congress at an early date will fix some rule by law, or give to some department by law, the power to regulate and control communications by radio. I do not want to trespass further on your time, but I wanted to call the attention of the House to this very important matter of radio communication. There are no limits to it. We have been told by these experts that it is only a matter of time until power itself will be communicated by use of the radio without any wires.

Mr. CLARKE of New York. Will the gentleman permit a question?

Mr. McKEOWN. Yes.

Mr. CLARKE of New York. Is there not now a law, either proposed or on the statute books, limiting the control of companies in the operation of radio to two years?

Mr. McKEOWN. There is an old law that was passed in 1912. There is a proposition now before one of the committees to regulate this matter and I hope that Congress will give attention to it when it comes up. I withdraw the pro forma amendment.

The Clerk read as follows:

SEACOAST DEFENSES, UNITED STATES.

For operation and maintenance of fire-control installations at seacoast defenses, \$140,000.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the committee, I want to call the attention of the committee to the proposed expenditures for coast-defense purposes. In a few pages from this point there will appear a very innocent looking appropriation which is simply the starter of an appropriation which eventually will amount to many millions. For some reason the Army seems to be stubborn in its insistence upon spending millions of dollars on antiquated, obsolete, useless coast defenses. The permanent coast-defense fort is absolutely useless in modern warfare, and why at this late date, in the light of experience during the last war, any attempt should be made to continue the old practice of dumping millions into forts along the coast, into guns which can not reach the range of an approaching enemy fleet, and are absolutely defenseless against an air attack, is beyond the understanding of any intelligent person.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BLANTON. I was busy, but my attention has just been called to the fact that the gentleman from New York stated that the boys at Annapolis and West Point received less than I indicated.

Mr. LA GUARDIA. But I am talking now about coast defense. Mr. BLANTON. Yes, but I want to get the record straight.

Mr. LA GUARDIA. I understood the gentleman from Texas to say that the cadets at West Point and Annapolis received their annual pay in addition to the clothing and maintenance.

Mr. BLANTON. I never mentioned clothing. They do pay for their clothing, but everything else is paid for by the Government.

Mr. LA GUARDIA. Well, will the gentleman follow me in this matter of coast defense?

Mr. BARBOUR. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. BARBOUR. Has the gentleman from New York given the War Department the benefit of his opinion?

Mr. LA GUARDIA. When we come to the Panama items of coast defense, I am going to give the House some startling information. Many years ago we believed we had developed something remarkable when we had the so-called disappearing gun. The disappearing gun was never adopted by any other country in the world, and within a few years it was as useless as a popgun for coast defense purposes. If the War Department wants to keep abreast of the times, we should appropriate for a mobile coast defense system, so to have large guns mounted on trains that could be rapidly moved and brought into position where needed. How ridiculous it is to expect that an attacking fleet is going to come exactly where you have your fort, come within range of your guns, and then say "Now, please shoot at us, we are here."

For some reason the coast defense appropriations were taken from the Committee on Military Affairs many years ago and put into the Committee on Appropriations. Any cannon over 0.3 was not a matter for the Military Affairs Committee, but was sent to the Committee on Appropriations, with the result that we squandered hundreds of millions of dollars. A glaring example was the mistake you made at Corregidor, in the Philippines. You started out to appropriate money for Corregidor, believing that you were going to establish a Gibraltar in the Philippines. It was hardly finished when it was admitted and conceded by military authorities that it could not withstand a siege of six weeks. And yet you went on squandering money at Corregidor. Now you are going to make the same mistake at Panama. These items will be found on page 48 of the bill, and I hope that we will have a full and thorough discussion of it so that the mistakes and waste of the past will not be repeated in the future. Mr. Chairman, I yield back the balance of my time.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEACOAST DEFENSES, UNITED STATES.

For operation and maintenance of fire-control installations at sea-coast defenses, \$140,000.

SEACOAST DEFENSES, INSULAR POSSESSIONS.

For operation and maintenance of fire-control installations at sea-coast defenses, insular possessions, \$25,000.

SEACOAST DEFENSES, PANAMA CANAL.

For operation and maintenance of fire-control installations at sea-coast defenses, Panama Canal, \$10,000.

OFFICE OF THE CHIEF SIGNAL OFFICER.

Salaries: For personal services in the District of Columbia in accordance with "the classification act of 1923," \$57,540.

The services of skilled draftsmen and such other services as the Secretary of War may deem necessary may be employed only in the Signal Office to carry into effect the various appropriations for fortifications and other works of defense, and for the Signal Service of the Army, to be paid from such appropriations, in addition to the foregoing employees appropriated for in the Signal Office: *Provided*, That the entire expenditures for this purpose for the fiscal year 1925 shall not exceed \$40,000, and the Secretary of War shall each year in the Budget report to Congress the number of persons so employed, their duties, and the amount paid to each.

AIR SERVICE.

AIR SERVICE, ARMY.

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instru-

ments and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, materials, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith and the establishment of landing and take-off runways; for purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light and power, gas and sewerage, including maintenance, operation, and repair of such utilities at such plants; for the acquisition of land or interest in land by purchase, lease, or condemnation where necessary to explore for, procure, or reserve helium gas, and also for the purchase, manufacture, construction, maintenance, and operation of plants for the production thereof and experimentation therewith; salaries and wages of civilian employees as may be necessary, and payment of their traveling and other necessary expenses as authorized by existing law; transportation of materials in connection with consolidation of Air Service activities; experimental investigation and purchase and development of new types of aircraft, accessories thereto, and aviation engines, including licenses for patents and design rights thereto, and plans, drawings, and specifications thereof; for the purchase, manufacture, and construction of airships, balloons, and other aerial machines, including instruments, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; for the marking of military airways where the purchase of land is not involved; for the purchase, manufacture, and issue of special clothing, wearing apparel, and similar equipment for aviation purposes; for all necessary expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings, and other facilities for the handling or storage of such equipment; for the services of such consulting engineers at experimental stations of the Air Service as the Secretary of War may deem necessary, including necessary traveling expenses; purchase of special apparatus and appliances, repairs and replacements of same used in connection with special scientific medical research in the Air Service; for maintenance and operation of such Air Service printing plants outside of the District of Columbia as may be authorized in accordance with law; for publications, station libraries, special furniture, supplies and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked aircraft, \$12,435,000: *Provided*, That not to exceed \$2,500,000 from this appropriation may be expended for pay any expenses of civilian employees other than those employed in experimental and research work; not exceeding \$500,000 may be expended for experimentation, conservation, and production of helium; not exceeding \$2,850,000 may be expended for experimental and research work with airplanes or lighter-than-air craft and their equipment, including the pay of necessary civilian employees; not exceeding \$500,000 may be expended for the production of lighter-than-air equipment; not exceeding \$300,000 may be expended for improvement of stations, hangars, and gas plants for the Regular Army and for such other markings and fuel supply stations and temporary shelter as may be necessary; not less than \$2,646,000 shall be expended for the production and purchase of new airplanes and their equipment, spare parts, and accessories; not more than \$4,000 may be expended for settlement of claims (not exceeding \$250 each) for damages to persons and private property resulting from the operation of aircraft at home and abroad when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Service and the Secretary of War; and not exceeding \$50,000 may be used for all contingent expenses in connection with an aerial flight around the world, for such purposes as may be approved or authorized by the Secretary of War, to be immediately available: *Provided further*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation: *Provided further*, That none of the funds appropriated under this title shall be used for the purpose of giving exhibition flights to the public other than those under the control and direction of the War Department; and if such flights are given by Army personnel upon other than Government fields, a bond of indemnity, in such sum as the Secretary of War may require for damages to person or property, shall be furnished the Government by the parties desiring the exhibition.

The sum of \$1,399,001.65 of the unexpended balance of the appropriation for the Air Service for the fiscal year 1922 contained in the "act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921, shall remain available until June 30, 1925, \$399,001.65 of this amount to be used for the payment of obligations incurred under

contracts executed prior to June 30, 1922, and the balance for the purchase of new airplanes and their equipment, spare parts, and accessories, in addition to the amount expended for the latter purpose from the above appropriation of \$12,435,000.

AVIATION, SEACOAST DEFENSES, PANAMA CANAL.

For the improvement of landing field, France Field, to remain available until expended, \$145,000.

OFFICE OF THE CHIEF OF AIR SERVICE.

Salaries: For personal services in the District of Columbia in accordance with "the classification act of 1923," \$218,576.

Mr. JOHNSON of Kentucky. Mr. Chairman, I happen to know that it is seriously contemplated to offer an amendment at this place. In fact, I know that one amendment, if not more, has been prepared. I wish to address the House before anybody else does, for the purpose of undertaking to show that the contemplated amendment should not be offered, because it would be ruinous in effect to the whole Air Service if it should be adopted. I have a copy of an amendment which it is proposed to be offered. It reads as follows:

Page 38, line 5, insert: "Provided no part of the money herein appropriated shall be paid to any person, firm, or corporation indebted to the United States until such claim shall have been settled."

Mr. Chairman, if that amendment should be adopted, every piece of work and part of construction or repair of an airplane would be stopped. A great many Members of this body know that a most industrious lobby is at work here for the introduction and passage of such an amendment. As I said, if that amendment should be adopted, the further construction of airplanes and the repair of airplanes would have to be stopped immediately. Nothing whatever could thereafter be done, for the reason that the Government is in dispute with every aircraft manufacturing concern from which necessary parts must be gotten. These disputes are in course of settlement. How long they are going to continue in dispute, or when they will be settled, no man knows. Therefore if this amendment should be adopted—and I am hoping that those who contemplate introducing it may be prevailed upon not to present it—an airplane part could not be gotten; consequently the airplanes could not be repaired and could not be built, for the reason that the parts with which to build them, if built by the Government, must be gotten from those concerns now in litigation with the United States Government.

I think that the House should understand that if such an amendment be adopted, instantly the flying service of the United States must be closed down.

Mr. LA GUARDIA. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. LA GUARDIA. Would not the gentleman better save his ammunition until the amendment is offered? I do not believe any such amendment will be offered.

Mr. JOHNSON of Kentucky. Perhaps the gentleman knows more than I do about it. I am hoping to forestall it. If the gentleman objects to my making this statement—

Mr. LA GUARDIA. Oh, not at all.

Mr. JOHNSON of Kentucky. Apparently he does. I believe that no Member of this House with the knowledge of the facts that I have stated should offer the amendment. For the information of the gentleman from New York [Mr. LA GUARDIA], who just rose, I invite his attention to the fact that I read a copy of a proposed amendment to be introduced at this very point. Fortunately I do not see the gentleman upon the floor at this moment who contemplates offering it. If I had more time I would endeavor to throw some light on the active lobby just referred to. In any event, I shall do so later.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the chairman of the committee if there is any money appropriated in this bill for the purchase or acquirement of lighter-than-air machines?

Mr. ANTHONY. There is a limitation on the amount which can be expended for lighter-than-air craft of \$500,000. Our information is that they contemplate the purchase of a very few of the lighter-than-air craft. They are used only for observation purposes, or for spotting artillery fire.

Mr. HULL of Iowa. How large are they to be?

Mr. ANTHONY. They are not to be large. They are going to buy two small ships of the semirigid type. I do not know the exact dimensions, but they are comparatively small ones, very much smaller than the *Shenandoah* or the type that we usually read about.

Mr. LA GUARDIA. They can not be very large if they have only \$500,000.

Mr. ANTHONY. They are very small.

Mr. HULL of Iowa. When did we appropriate the money by which the Navy bought the *Shenandoah*, or by which the Army has purchased the machine which they are to receive from Germany?

Mr. ANTHONY. I can not give the gentleman any information with regard to the naval purchase, but the ship that is to be received from Germany comes to us as a part of the reparations agreement, and it is a disputed question whether the ship will go to the Army or to the Navy. I sincerely hope it will not go to the Army, because I would regard it as an incubus, and it will be simply a useless expense and a drain upon our appropriations.

Mr. HULL of Iowa. If it is from the reparations, how did the Army ever get hold of it?

Mr. ANTHONY. It has not been assigned to either the Army or the Navy as yet.

Mr. HULL of Iowa. How did the Army or the Navy have any right at all to pay for it out of the reparations?

Mr. ANTHONY. There is no money from this appropriation that can be used for such a ship. If it was presented to the Army, the money in this item could be used to operate it, undoubtedly.

Mr. HULL of Iowa. I quite agree with the chairman of the committee that it is a waste of money to invest any money at all in these large blimps or lighter-than-air machines. I might say that I think that we are making a tremendous mistake in our entire airplane development. We are at present expending, I presume, some \$40,000,000 a year for airplanes, and when we have spent the money, at the end of the year we have practically nothing to show for it.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. ANTHONY. I think the gentleman ought to know that the Army has been very conservative in regard to the money that we have appropriated for new construction of airplanes. In the last year or two we find that the Air Service of the Army has not expended all the money that we have appropriated for new construction because they are trying to develop more efficient types. They are going slow in regard to going into the manufacture of planes because they realize that we have not yet reached the point of development where we are safe in going into large production. In this bill we reappropriate \$1,300,000 that would lapse on July 1, because the Air Service has purposely refrained from spending it until they are sure they have a type that they could safely go into production on, and this year we authorize the reappropriation of that amount in addition to the sum carried in the bill.

Mr. HULL of Iowa. I am glad to hear that this is true.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LA GUARDIA. Mr. Chairman, I rise in opposition to the pro forma amendment. I hope my colleagues will give me a few moments' attention on this subject. I recall that when the naval appropriation bill was before us in the first session of the Sixty-sixth Congress I opposed the appropriation for the purchase of the *R-34* from England. I was criticized at the time on the floor of the House, and the unfortunate result of that purchase is still vivid in our memories. I pointed out at the time that we were purchasing a type of rigid ship which had already become obsolete. As the gentleman from Iowa [Mr. HULL] pointed out, we appropriate about \$40,000,000 a year, in round figures, in the Army and the Navy for the Air Service, and yet the other day when we were trying to get an appropriation for \$1,500,000 for the Post Office the point of order was made and the item stricken from the bill. I sincerely hope that this will be the last time in an appropriation bill that we appropriate for the Air Service of the Army and the Navy separately. If you want to develop the United States air defense or air offense and create an industry in this country for the manufacture of airplanes and flying machines, you simply have to stop this wild waste and duplication of work that we are now carrying on with the Army and the Navy. You are trying to conduct a new industry, a new weapon of warfare, and you are using the same method that you used in appropriating for small military posts in the days of the Indian frontier. You can not do it and be successful. I do not know what the Special Committee of Investigation of the Air Industry is going to bring out; but I do hope that they will have the courage to withstand the pressure of the politicians of the Navy Department and the War Department and come here with a constructive program and unite all of the air activities of the Government in one department and let the United

States take its place among the nations of the world in an adequate, up-to-date Air Service.

Now, I do not see, gentlemen, why you are so willing to appropriate millions of dollars for the Army and for the Navy, duplicating on each other, and yet when we come here and ask you for an appropriation to carry on a really useful experiment you weigh the letters and figure the cost for a few planes that the Post Office Department are now operating. I defy the gentleman in charge of this bill or the gentleman in charge of the naval bill to define the line where the activities of the Army Air Service cease and the activities of the Navy Air Service commence. We had recently a spectacular, interesting, exciting demonstration of the *Shenandoah*, and I will tell you gentlemen that the experience of the *Shenandoah* was of no scientific use to air science. Why, we have already seen an airship cross the ocean and back; we have had the German Zeppelins many years ago, and here you come with the *Shenandoah* which made a short trip and you got all excited about it. Why, the only man who knows anything about the *Shenandoah* is the German commander who came over here to build it, and when he goes back home to Germany he is going to take everything he knows back home with him.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

AVIATION, SEACOAST DEFENSES, PANAMA CANAL

For the improvement of landing field, France Field, to remain available until expended, \$145,000.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee with regard to this year's expenditures. Will this complete the France Field, or only partially? As I understand, this is only a partial appropriation.

Mr. ANTHONY. The War Department asked for money sufficient to complete the filling in of the entire field. We appropriated enough to fill in area A. The gentleman will see on the map here, included within red lines, there are two areas. Area A requires 282,000 cubic yards of filling in order to make a suitable landing field. Area B requires 270,000 cubic yards of filling. We have appropriated sufficient money to fill in area A, which will probably take a year to accomplish, and we hope in the next bill to give them enough to fill in area B.

Mr. HULL of Iowa. Will it cost any more money by making the appropriation in two parts?

Mr. ANTHONY. No. It is work that will be done by Panama Canal dredges or by the Quartermaster Department of the Government. The Government itself will do the work.

Mr. HULL of Iowa. I am very glad to hear that. I want to say of all the money you are appropriating for seacoast defense at Panama the appropriation you make for the landing field for airplanes is the best appropriation that you are making. It is permanent and will last and is a real defense, whereas much that you are appropriating is a waste of money. The landing-field appropriation is justified. I withdraw the pro forma amendment.

Mr. LAGUARDIA. Mr. Chairman, for the purpose of asking the chairman a question I rise in opposition to the amendment. I want to ask the chairman if the General Staff objected to this item in the bill?

Mr. ANTHONY. With reference to France Field, no; they approved it. They asked for the entire appropriation.

Mr. LAGUARDIA. They realized that air defense is absolutely necessary at Panama?

Mr. ANTHONY. Oh, yes.

Mr. LAGUARDIA. They have admitted as much, have they?

Mr. ANTHONY. I think so.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

For the protection, preservation, repair, and maintenance of historical fortifications at Fort Niagara, N. Y., Fort Marion, Fla., and San Juan, P. R., \$25,000.

Mr. SEARS of Florida. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SEARS of Florida: Page 46, line 22, after the figures "\$25,000" strike out the period, insert a semicolon, and add the following: "Provided, That the Secretary of War is authorized to detail not exceeding six noncommissioned officers or privates for duty at Fort Marion to act as custodians and guides, under such rules and regulations as the Secretary of War may make."

Mr. DICKINSON of Iowa. Mr. Chairman, I reserve a point of order on the amendment.

Mr. SEARS of Florida. Mr. Chairman, it is a question in my mind whether it is subject to the point of order or not as it does not add to the expense of the bill. But, to be absolutely frank with my colleague, perhaps it is subject to the point of order. Fort Marion, as my colleagues know, is the oldest fort in the country. From a historical viewpoint there is no place that is more interesting to the people who come to Florida than is Fort Marion. Sergeant Black for a number of years was there, and for a number of years they had a company detailed there which performed the purpose I hope the Secretary of War will adopt if my amendment is passed by the House. Under the present system civilian guides are located at Fort Marion. I hope my friend will not insist upon the point of order. It does not add to the cost of the bill. I believe the people from Ohio and from the other States coming down to St. Augustine and going to this old fort, as thousands and thousands of them do every year, that they should have either a noncommissioned officer or a private, if a noncommissioned officer can not be secured without additional expense, to show them through this historical place.

Mr. ANTHONY. Will the gentleman yield?

Mr. SEARS of Florida. Yes.

Mr. ANTHONY. I know the gentleman realizes that the amendment he proposes is really an act of administration?

Mr. SEARS of Florida. Yes.

Mr. ANTHONY. And also the gentleman understands the committee has set up an entirely new item in the bill in order to take care of the situation that was so ably presented to our committee by the gentleman. We realized that Fort Marion was a wonderful example of Spanish military architecture, erected several hundred years ago, and also that the gentleman from Florida desired a small appropriation, so that it could be preserved. We placed Fort Marion in the bill because we agreed with him. It was our understanding—at least the Secretary of War so informed us—that a local society there was furnishing guides looking after the old fort. Is that the case?

Mr. SEARS of Florida. That is the case, but the citizens of St. Augustine are objecting to that, because they believe that the Government should, as in the case of the Washington Monument, furnish these guides if it does not cost the Government any additional money.

Mr. ANTHONY. Of course the gentleman realizes that no military object is to be subserved by stationing troops there.

Mr. SEARS of Florida. I know; but every visitor to St. Augustine goes through this fort. The citizens there feel that the Government should take that work over if it does not cause additional expense. This would not interfere with the wonderful work the historical society has done there. I believe, though, the Government should maintain and preserve these valuable historical places.

Mr. ANTHONY. Would it not be a fine idea for the State of Florida to take over Fort Marion?

Mr. SEARS of Florida. It would; but let me suggest we might soon be in the position of the society that is interested in the acquisition of Monticello and whose members are asking people to subscribe in order that the place may be preserved. I thank the committee for the recognition they gave me as to Fort Marion.

Mr. ANTHONY. I understand that the society pays the Government \$500 for the administration of Fort Marion and also maintains the land surrounding, grounds and property.

Mr. SEARS of Florida. Does the gentleman think that the mere pittance of \$500 at Fort Marion should be charged to anybody? Does the gentleman believe that \$500 should be charged for the use and preservation of Fort Marion?

Mr. ANTHONY. No.

The CHAIRMAN. The Chair holds that this amendment offered by the gentleman from Florida would be legislation, and the point of order is sustained.

Mr. SEARS of Florida. I am sorry my friend from Iowa saw fit to make a point of order on the amendment. I know, however, that he would not have done so had he not thought it his duty to make the point of order. When the bill comes up again next year I trust he will find that this amendment is a good one and that, therefore, he will not make a point of order. That does not reflect on my colleague who made the point of order.

I want to ask the gentleman from Kansas a question. My attention this morning was called to the fact that the report which the committee had before it called for \$60,000 for Fort Niagara, N. Y. I notice that this appropriation carries only \$25,000; and if \$60,000 was necessary for Fort Niagara, I was

wondering where Fort Marion came in under a \$25,000 proposition.

Mr. ANTHONY. As I stated to the gentleman a moment ago, this is a new item, set up in the bill with the idea that the Government should exercise proper care in the administration of this post. Previous to 1922 the Government expended \$1,500 at Fort Marion for preservation. Under this appropriation they have spent that much or more.

Mr. SEARS of Florida. I am not complaining, but it does not show it. If the Chairman will recall my request, it was for not less than \$2,500, and possibly it would require \$5,000. That is a small amount. I hope the committee had that in view when they recognized Fort Marion now for the first time. It has never been in the bill before.

Mr. ANTHONY. The committee felt that the gentleman from Florida with his well-known powers of persuasion could probably influence the War Department.

Mr. SEARS of Florida. If I could be as successful with the War Department as I have been with the committee I would not have any doubt, but I have not been as successful with some of the departments as I have been with the committee, and I thank the gentleman for stating the committee did so out of regard for my statement.

Mr. ANTHONY. Yes. The committee was influenced by the gentleman from Florida to decide on putting Fort Marion in a reasonable state of repair.

Mr. SEARS of Florida. I shall not press the point. I wish to again thank the gentlemen for the consideration which they gave me when I presented the case to them.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEACOAST DEFENSES, PANAMA CANAL.

For preparation of plans for fortifications and other works of defense, including surveys for roads, Canal Zone, \$3,000.

Mr. LA GUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. LA GUARDIA. Mr. Chairman, here we have the first item on a new program for the fortification of the Panama Canal.

Now, gentlemen, I wanted to come before this committee prepared with actual information and with official data from the War Department. I stated to you a few moments ago, in reply to the inquiry made by the gentleman, that I would give him information that would be startling. If the gentleman will give me his attention, I want to tell him that this committee can not get information from the War Department. First, I asked the Chief of the Air Service to prepare for me a chart for use before this committee when we were considering this bill, showing the range of the new guns contemplated in the new fortifications, to show their effectiveness against an attack from the air, and to show the value of defense at Panama with sufficient air force if these fortifications were not constructed. The Chief of the Air Service sent an officer to my office asking me to make the request of the Secretary of War. I made the request to the Secretary of War, and got the usual stereotyped reply—that it was referred to the proper bureau. Then an official from the Air Service came to me and talked informally, but not officially, and I again demanded information from the Secretary of War. I have been unable to obtain it, and I will say right here on the floor of the House that the Air Service is not permitted to give this House the accurate information.

Now, why is it, gentlemen, when we are asked to commence an appropriation in this seemingly innocent and innocuous and inexpensive manner for plans at a cost of \$3,000 and construction of seacoast batteries of \$252,000, which is only the beginning of a large project there that is going to cost you millions—why is it that we can not get the technical information, so that we may know what we are doing?

Mr. BARBOUR. Will the gentleman yield?

Mr. LA GUARDIA. I will.

Mr. BARBOUR. Does the gentleman agree that we should have some seacoast defenses in the Panama Canal?

Mr. LA GUARDIA. Not unless it is mobile.

Mr. BARBOUR. Will the gentleman tell us what, in his opinion, we should have there?

Mr. LA GUARDIA. Does not the gentleman believe we ought to get that information from the War Department?

Mr. BARBOUR. But the gentleman says this is all wrong in the bill. Now, for the information of the House, will the gentleman tell us what he thinks ought to be there? It will, at least, be informing to us.

Mr. LA GUARDIA. I believe we ought to have there an air base.

Mr. BARBOUR. I agree with that.

Mr. LA GUARDIA. With sufficient planes, and that we ought to have mobile artillery of large caliber.

Mr. BARBOUR. What caliber?

Mr. LA GUARDIA. I am not an expert on artillery.

Mr. BARBOUR. But the gentleman says this plan is all wrong.

Mr. LA GUARDIA. I say it is. I say it is startling that the War Department will not permit the air branch of the service to give us information, and I want to say to the gentleman that the information which I obtained from the Navy Department was simply ridiculous.

Mr. ANTHONY. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. ANTHONY. Just what information does the gentleman want? The committee felt the War Department was very free in giving information.

Mr. LA GUARDIA. All right. Then I will ask the gentleman—

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. The gentleman from Kansas asks that the gentleman from New York may proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LA GUARDIA. I want to get and I want my colleagues to get—and not from me but from the War Department—a comparative chart showing the range of the guns which the department intends putting at Panama, and then showing the carrying capacity of bombing planes and the range of those planes.

Mr. ANTHONY. We can tell the gentleman the range of the 16-inch guns that will be installed under the provisions of the bill. The maximum range is 50,000 yards, which is a far greater range than it is possible for any foreign battleship to maintain against them.

Mr. LA GUARDIA. If your foreign battleship fleet carries with it a carrier vessel with bombing planes then what are you going to do?

Mr. ANTHONY. We have naval and Army air bases in Panama with sufficient planes to repel any naval air attack which can be brought against them.

Mr. LA GUARDIA. If so, why expend \$100,000,000 in Panama?

Mr. ANTHONY. We are not.

Mr. LA GUARDIA. How much are you going to expend?

Mr. ANTHONY. The estimated expense of installing the four guns at the Pacific end is \$1,200,000, and the same amount will be expended to emplace four 16-inch guns at the Atlantic end. This \$200,000 is just for the emplacement and starting of the work. We have the guns on hand.

Mr. LA GUARDIA. Will this pay for all the emplacements?

Mr. ANTHONY. It will start the work.

Mr. LA GUARDIA. Exactly.

Mr. ANTHONY. We have to build a railroad and we have to excavate.

Mr. LA GUARDIA. What will that cost before you are through?

Mr. ANTHONY. This provides for the construction of the railroad and for the excavation, and the placing of the foundations.

Mr. LA GUARDIA. Then how much more will you have to spend?

Mr. ANTHONY. As I stated, the total cost of the battery is \$1,200,000.

Mr. LA GUARDIA. And that is the complete expense at Panama?

Mr. ANTHONY. At one end; that is the expense at each end.

Mr. LA GUARDIA. That is not the information I get from the War Department, and the gentleman will find himself greatly embarrassed in one or two years from now, when he comes for more money.

Mr. WINGO. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. WINGO. The gentleman interests me. He said he thought the War Department ought to give us certain scientific and technical information.

Mr. LA GUARDIA. Yes.

Mr. WINGO. What is it?

Mr. LAGUARDIA. Why, I just explained it to the gentleman from Kansas. We ought to know—I know it, but it ought to come from the War Department—just how many planes we are to have there.

Mr. WINGO. I think you ought to tell me; I would like to know it.

Mr. LAGUARDIA. I will tell the gentleman now. If we put a proper air base there we can carry more explosives a greater distance than any artillery you can maintain at that point. And I will tell the gentleman that if we ever have the misfortune to be attacked at that point, we are not going to be attacked by a fleet in the water but by an air fleet.

Mr. WINGO. The gentleman complains because certain technical information is not furnished the Congress, but he says he has it. Now, there is no law to prohibit the gentleman from telling the House, if the gentleman has it.

Mr. LAGUARDIA. I say that I am now telling the gentleman, and I want the War Department to admit it.

Mr. WINGO. But that is not technical information which the gentleman has given us. That is his argument.

Mr. LAGUARDIA. Why can we not get the technical information from the War Department?

Mr. WINGO. The gentleman says he has it; why not tell the House?

Mr. LAGUARDIA. I am just telling you generally what the conditions are and what every man knows.

Mr. WINGO. If everybody knows it, why call on the War Department to tell us?

Mr. LAGUARDIA. In order to convince the gentleman from Arkansas and the other gentlemen who are going to vote for this appropriation.

Mr. WINGO. Well, how?

Mr. LAGUARDIA. I can not convince the gentleman, seemingly.

Mr. WINGO. How would you convince us? You have not given us any technical information and yet you say that everybody knows it.

Mr. LAGUARDIA. The gentleman knows I can not get that information and that is my complaint.

Mr. WINGO. But the gentleman said a while ago that he had it.

Mr. LAGUARDIA. I said I knew generally that we were spending money on this kind of coast defense, and anything that may be said upon the floor of this House is simply said because we have not the accurate information from the War Department.

Mr. BARBOUR. I will state to the gentleman that the War Department furnished the committee with all the information it sought on these matters.

Mr. LAGUARDIA. Why was it not furnished to other Members?

Mr. BARBOUR. The gentleman can get it from the hearings.

Mr. LAGUARDIA. For the purpose of the record I want to ask the gentleman a question, because it will not be long before the next appropriation bill is before the House. It will not cost over \$2,000,000 to complete the four guns on the Pacific end?

Mr. BARBOUR. It is estimated at \$1,200,000.

Mr. LAGUARDIA. And \$1,200,000 for the other side?

Mr. BARBOUR. Yes.

Mr. LAGUARDIA. That is \$2,400,000, and you are not going to ask for any more money for that purpose. Then we will have some fun on the next appropriation.

Mr. BARBOUR. That is the estimate.

Mr. LAGUARDIA. I will say it is an estimate.

Mr. WINGO. Mr. Chairman, I am not an expert but I believe I am as good an expert as the gentleman from New York [Mr. LAGUARDIA]. Let us see what he is raising all this fuss about. I was listening to him, and I thought we were running into something and that the War Department was trying to keep something from the public that it ought to give us. The gentleman complained for five minutes that he had asked for certain information and somebody from the department had come down to see him and had told him to ask for it from the Secretary of War, and the Secretary of War gave him a stereotyped answer and referred him to somebody else, and somebody else came down, and then I was on tiptoe because I thought I was going to get something, and then directly he said it was technical information. He said he had the technical information, and I asked him then, "Why do you not give it to us?"

Mr. LAGUARDIA. The gentleman is in error. I said I could not get it.

Mr. WINGO. The gentleman said he had it. Oh, if you do not correct your remarks the Record will show that you said,

"I have got it," and I said, "Why do you not tell us?" Everybody present knows that that is true.

Now, what is the matter with the gentleman? I like the gentleman, but do you know what I thought, and I say this in all kindness to the gentleman. I remarked to some of the gentlemen sitting back here when the gentleman was talking about this information that the gentleman reminded me of the story of the dog that was chasing the train and an old farmer said, "What the hell would he do with it if he caught it?" [Applause.] Now, what would the gentleman from New York do with the technical information, if he got it?

Mr. LAGUARDIA. May I state that perhaps I could convince the gentleman from Arkansas if I had the information?

Mr. WINGO. No; the gentleman could not convince me because with all due respect to the gentleman I know that however great his experience and knowledge may be, we have some gentlemen in the War Department and in the Navy Department, whatever may be their faults and however extravagant they may be, who are just as patriotic as the gentleman from New York or myself. If they are not, God save the country, because in the last analysis on these technical questions we have got to let them waste some money because that is the only way by which you can experiment in a new industry and find out what to do. [Applause.] Oh, as long as they are spending it honestly, although wastefully, in trying to solve the evolutionary problem of airplane defense and offense, why should you and I sit around and like fice dogs yow-yow-yow at them; and, bless you, they are hampered now with suspicion and charges of graft. I feel sorry for these good men down in the War Department and in the Navy Department. As long as they are spending the money honestly and not greasing somebody's itching palm we should not complain. As long as they are going out and spending the money, although perhaps wastefully, groping in the dark, trying to keep this Nation abreast of the developments in the Air Service, oh, the least we can do, gentlemen, is not to insinuate they are trying to mislead the House and cover up something. God be with these men. May they be successful in maintaining the supremacy of the United States, and may Congress have the courage to vote them the necessary money to carry on the needed experiments to develop our Air Service so that we can be invincible in time of war. [Applause.]

Mr. LAGUARDIA. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman because I know he is going to give me some information.

Mr. LAGUARDIA. The gentleman has missed the point entirely.

Mr. WINGO. I know I have, and I want you to give it to me.

Mr. LAGUARDIA. They are not experimenting with air defense and air offense. That is what I want them to do. They are sinking the money in old, antiquated, obsolete forts.

Mr. WINGO. Who knows that? With all respect to the gentleman, I do not think he knows a bit more about the Air Service than I do. Now, that may be a broad statement, but certainly I am not going to accept the gentleman's statement on his experience when it contradicts and challenges the united judgment of men in the War Department that he has not given any facts to show we should distrust either their intelligence, their integrity, or their patriotism.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. And I have got all the information I want.

Mr. DEMPSEY. Mr. Chairman, I move to strike out the last word. I want to say just a word about the appropriation which has just been made for the repair of historic buildings, including those at Fort Niagara, N. Y. Fort Niagara is at the foot of the Niagara River. It is one of the historic rivers, perhaps the most historic and in many respects the most important river in the United States. The fort at the foot of that river is one of the oldest buildings in the United States. It is an historic building. It was the center of many conflicts in the Revolution. It changed hands again and again, not once but repeatedly. It passed into the British hands and back into our hands and finally became a part of the territory of the United States as a result of conflicts and victories.

We send every year thousands and thousands of visitors abroad to look upon the monuments of past achievements in Europe. This is a new country and we have only a few historic buildings that have come down to us from the past, and these few we should cherish. Not only is this appropriation important from an historic standpoint but from a practical standpoint as well. This Government owns a valuable domain at the mouth of the Niagara River, where it empties into Lake Ontario.

The land itself is of enormous value. It is being swept by the storms into the lake. It is a question of preserving valuable property by rebuilding the sea wall. That is the purpose of this appropriation.

Years ago the map shows that there was an orchard existing north of what is now the end of the fort domain. That has been swept into Lake Ontario. The amount appropriated here is wholly inadequate; it will not rebuild the sea wall but it will start the work. The amount necessary is \$57,000. We only obtain \$7,500 through this appropriation, but, strange and absurd as it may seem, this seems to have been the first appropriation in this country for the purpose of preserving historic buildings. It is the first time that we have started to preserve in this way the glorious history of the Revolution. It is the first time we have made an effort in that direction, and the committee felt on that account that the appropriation, even of this amount, might be challenged, and so they brought in only a fraction, a small percentage, of what is needed. But the work will begin and there is no question that it will be continued and appropriations adequate in amount will be granted in the future.

The pro forma amendment was withdrawn.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HAWLEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment the bill (H. R. 6815) to authorize a temporary increase of the Coast Guard for law enforcement, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7449) making appropriations to supply deficiencies for the fiscal year ending June 30, 1924, and prior years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the construction of seacoast batteries on the Canal Zone for defense of the Panama Canal, \$272,460.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the paragraph.

The Clerk read as follows:

Amendment of Mr. HULL of Iowa: Page 48, lines 1 and 2, strike out the paragraph.

Mr. HULL of Iowa. Mr. Chairman, I do not do this with any idea of making carping criticism of the War Department. I believe in expert advice. I do believe, however, that it is the duty of a Congressman, no matter how hard it may seem, to call attention of the country by even placing his opinion against the opinion of experts and let the future judge. I have not hesitated to do this in the past and I shall not hesitate to do it in the future. This item is but the start of an expenditure of money that will run into many millions, and every bit of it is obsolete before you start on it.

Mr. BARBOUR. Will the gentleman yield?

Mr. HULL of Iowa. I will.

Mr. BARBOUR. Will the gentleman tell us what he would have done?

Mr. HULL of Iowa. I will before I get through.

Mr. BARBOUR. Why not now?

Mr. HULL of Iowa. I will now. I would construct mobile artillery. You are going to have a fort, and you would have it so you would not conceal the gun and place it on a fixed fortification where the enemy knows before the trouble comes where it is and where they can pound it to pieces.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. DICKINSON of Iowa. Why can not you use mobile artillery as supplemental to the other?

Mr. HULL of Iowa. A fixed fortification is absolutely useless if you use mobile artillery. There is no place in the world where mobile artillery could be worked so satisfactorily as at the Panama Canal. If you take one gun and place it properly you can use it on either side of the canal. You double the effectiveness. You place a piece of artillery in a fixed position, as you are proposing to do there out on Bruja Point, and every war department in the world knows it, knows where it is, and if they can get within 15 miles they will pound it to pieces. It was obsolete before the late war, which

demonstrated beyond all question that you must not have fixed fortifications. Take, as an illustration, the Germans when they went through Belgium, and that was on the land.

Mr. RANKIN. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. RANKIN. What is the elevation above sea level at Panama where these guns will be placed?

Mr. HULL of Iowa. Bruja Point is not very high. The gun could be concealed, but they will have to build a railroad out there.

Mr. MCKENZIE. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. MCKENZIE. I think the gentleman from Iowa is correct, and I agree with him with respect to railroad artillery, but let me put this question to him about the blowing up of fixed fortifications. Suppose they dropped a bomb on the railroad track, about midway between the two coasts of the Panama Canal, what would happen?

Mr. HULL of Iowa. Why the injury would not last 48 hours. They could repair the railroad track; but let them drop a bomb on your fixed fortifications, and they are all gone, and with them expenditures of millions of dollars.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. HILL of Maryland. What does the gentleman think that the 16-inch gun would be doing while they were dropping a bomb upon it? Would it not be working, protecting itself?

Mr. HULL of Iowa. Why, you could not put a 16-inch gun on an airplane.

Mr. HILL of Maryland. I do not think anybody ever proposed to do that.

Mr. HULL of Iowa. From the gentleman's question I thought he did.

Mr. HILL of Maryland. They would be very serviceable on airplane carriers, would they not?

Mr. HULL of Iowa. I want to be fair with the gentleman. I am not objecting to 16-inch guns, but I would put the guns on railroad cars that can be concealed.

Mr. HILL of Maryland. Is the gentleman in favor of 2.75 guns?

Mr. BLANTON. We understand the gentleman from Iowa correctly, and I think he is making a good argument. He could not possibly put on an airplane the kind of 16-inch gun they send here from Baltimore.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent to proceed for five minutes more?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HULL of Iowa. I say that you are making a mistake in Panama and that it is a mistake to do as you propose to do. I call this to the attention of the chairman of the committee. He was down there at Panama last summer, and when we were there it was not the plan of the War Department to have these fixed fortifications at Bruja Point. They changed their plan.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. I want first to carry out one other point. I criticized their plans, and so did the gentleman from Kansas, at that time, and they have changed them, but they are still proposing to put a fixed battery without any fortification there. That is what I am protesting against.

In this day and age you ought not to spend the people's money for fixed batteries on the seacoast without any protection. They can protect them if they will. It is a makeshift, and it is proven absolutely to be the fact that they changed their plans after they wanted Taboga Island fortified, and the committee wisely struck that out. Then they said to give them some money for a fixed fortification on the mainland.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. RANKIN. The gentleman says that this fixed fortification would be so fixed in the mind of an enemy that the enemy could destroy it from the air, and at the same time he recommends that we use railroad artillery. As a matter of fact, the railroad track would be just as fixed in the mind of the enemy as a fixed fortification, and the enemy could fly across the Isthmus right over this track and destroy it much more easily than he could a fixed fortification, could he not?

Mr. HULL of Iowa. No; because a railroad track can be repaired. Then I say another thing. I have not recommended this. I say that if you are going to fortify the Panama Canal with batteries, you want them to be mobile, you want them to

be protected, you want them so that you can conceal them. That is all I do say. It is perfectly apparent.

Mr. RANKIN. Did the gentleman ever see any 16-inch railway artillery or motor artillery that worked successfully?

Mr. HULL of Iowa. I admit that they have not designed as yet a 16-inch motor field artillery truck, but it is not impossible. They have a 14-inch gun on such a truck, and the reason they have not designed a 16-inch mobile truck is because the railroads can not be made to carry them. That fact can be answered at the Panama Canal, because you would not have to run them on the railroad except for a very short distance. You could use the canal as far as that goes.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. McKENZIE. Is it not a fact that the experts on artillery testified before the Committee on Military Affairs that there is very great advantage with the guns placed on shore in a combat with warships at sea, and that the number of hits that can be made from a fixed fortification is far in excess of any hits that can be made from ships shooting at artillery on shore which is placed below the level of the land?

Mr. HULL of Iowa. Yes; but at the very same time they asked for money for mobile artillery, and to-day they are protecting the Atlantic seaboard with mobile artillery, and they should be. They are using mobile artillery in the field and they used it in France, and the only artillery that this country was able to use on the front in France was mobile artillery.

Mr. McKENZIE. Is it not also a fact that the reason for that is that we can not afford to have fixed fortifications all along our extended coast, and therefore it is necessary to have mobile artillery?

Mr. HULL of Iowa. That is a very good reason, and that is one reason why I appeal to you to fix it down at Panama, because you can do it for 50 per cent and do it much better and more efficiently than you can if you try to place fixed fortifications there.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HULL of Iowa. If you are going to place fixed fortifications there, then for Heaven's sake place them so that they are protected. That is what modern people are doing.

Mr. McKENZIE. I am trying to make the point that we should not abolish all of our fixed fortifications simply because mobile artillery on railroad cars is a very good plan.

Mr. HULL of Iowa. I am not asking you to do that. I am only asking this committee to not appropriate a great sum of money to start on fixed fortifications at the Panama Canal on the west side.

Now, I am not attempting to abolish anything. I am trying to save the money. This will call attention of the War Department to the need of going down there and studying the question, and then if they will come with a constructive plan to Congress I will vote for it; but I want to tell you that I can not vote for a makeshift plan such as proposed in this bill, and I am not trying to say this in any way of criticism of the committee or criticism of the War Department; I am just trying to get a constructive program that will protect us in case we have to meet an enemy.

Mr. BARBOUR. Mr. Chairman and gentlemen of the committee, this question seems to be one of a difference of opinion between experts. On the one hand we have the experts of the War Department. They have been studying the question of national defense over a period of years and came before our committee and recommended, among other things necessary for our national security, a 4-gun battery of 16-inch guns at the Pacific entrance of the Panama Canal. On the other hand, we have a board of experts, composed of my friend from Iowa and the gentleman from New York, who disagree with the experts of the War Department, and, so far as I have been able to observe, have disagreed to practically every item in the bill.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. BARBOUR. Gladly.

Mr. HULL of Iowa. You also have a number of experts, and there were several of them who proposed to fortify Taboga Island.

Mr. BARBOUR. As the gentleman from Iowa stated a few moments ago, that plan has been abandoned. It was realized there were certain disadvantages in fortifying Taboga Island. It is a comparatively small island that lifts up out of the sea 1,000 feet. It is almost solid rock. If they place a battery

there, the guns would have to be concentrated and placed close together. It would then be necessary to defend this battery by supplemental batteries stationed at various points. It would be necessary to build roads leading to the guns. There is not room for the necessary buildings to house the troops required to man the guns. Taboga Island can be seen for miles at sea, an object easy to hit, and it would be particularly disastrous if it should be hit, because the guns would have to be concentrated because of lack of space. Now, the War Department has adopted a plan of placing this 4-gun battery on the mainland. It is not necessary to have mobile guns stationed there. This battery is for the purpose of defending the entrance of the canal. It is not necessary to move up and down the coast. No naval attack would contemplate the dropping of bombs on the Republic of Panama. An attacking enemy is going to concentrate on the canal works and at the entrances.

Mr. HULL of Iowa. Will the entrance of the canal be protected by fortifications on Flamenco Island and these other islands?

Mr. BARBOUR. The fortifications on Flamenco Island consist of 14-inch guns. It was demonstrated at the maneuvers last spring that a modern battleship armed with 16-inch guns can stand outside the range of the 14-inch guns at Flamenco Island and absolutely destroy the Miraflores Locks and the defensive works at the entrance to the canal without coming within range of the present canal defenses.

Mr. RANKIN. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. RANKIN. As I understand, the object of these batteries is to defend the entrance to the canal from the bombardment of a vessel at sea.

Mr. BARBOUR. Entirely; yes, sir.

Mr. RANKIN. Now, the gentleman from Iowa [Mr. HULL] was discussing these land fortifications, and stated that these 16-inch gun batteries can be destroyed by airplanes. As a matter of fact, any bomb which is dropped from an airplane would put one of these land batteries out of business, and would if dropped in the canal be sufficient to put the canal itself out of commission.

Mr. BARBOUR. It is planned not to place these guns together. That is the idea of placing them on the mainland, so that they will be able to concentrate their fire on the enemy and yet be located far enough apart that the enemy can not concentrate on these guns. It is also necessary to have an air defense for the Panama Canal. It is the most effective defense from an attack by the air. The gentleman from New York is an authority on aviation, but we happen to have on this matter even a higher authority than the gentleman from New York. General Patrick, Chief of the Army Air Service, in discussing the defense of the Panama Canal against air attacks, testified before our committee that a sufficient number of airplanes would be necessary. Those are in addition to the 16-inch guns which would be used against naval attack. General Patrick stated that it is necessary to have both types of defense.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARBOUR. I ask for five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BARBOUR. General Patrick said there are times along the Canal Zone when airplanes would not be effective on account of fog or other weather conditions, but these guns can be used on such occasions and be effective against an enemy at sea.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. HULL of Iowa. Now, the gentleman is saying we should depend absolutely on airplanes and also we ought to have the fortifications. You are going to have to build a railroad there all along the coast to Blucher Point; why not use a mobile fortification or mobile artillery which is easily concealed, which protects itself and which you can use on both sides of the canal as well as anywhere else?

Mr. BARBOUR. If it is necessary for the complete defense of the Panama Canal that we also have mobile guns then let us by all means have mobile guns, but to put this battery of four 16-inch guns at the Pacific entrance of the canal is the best plan according to the view of the experts of the War Department.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. RANKIN. It would be impossible, as I understand it, to get railway artillery that would shoot as far as these land batteries?

Mr. BARBOUR. That is my understanding.

Mr. RANKIN. The object of the land batteries is to keep a foreign fleet out?

Mr. BARBOUR. That is true.

Mr. RANKIN. If these railway guns would not meet that want, they would be practically useless?

Mr. BARBOUR. Yes. I will say to the gentleman from Mississippi and the other members of the committee that with an effective 4-gun battery of 16-inch guns no battleship will dare to come within range. That was demonstrated in the World War.

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. HULL of Iowa. It has not been demonstrated, however, and the gentleman knows it, that the 16-inch guns on the railroad fortifications shoot at a less distance or at a less range than on a fixed emplacement. It shoots just as far, and everybody knows it.

Mr. BARBOUR. The gentleman from Iowa himself stated a moment ago that an effective 16-inch railroad gun had not yet been perfected.

And the gentleman from Iowa also stated that permanently established batteries are obsolete and ineffective. Gentlemen, I have but to call your attention to the island of Heligoland, of which we heard so much during the World War.

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield for a moment?

Mr. BARBOUR. In a moment. No enemy vessel of the allied fleets dared to get within range of the guns on Heligoland. And that will be the same situation on the Panama Canal. If we have proper batteries defending the entrances there will not be an enemy vessel dare to get within range. Why speculate on this? We have the experts of the War Department on the one hand, and against their opinion we have the opinion of the two experts of the House of Representatives, the gentleman from Iowa and the gentleman from New York.

Mr. HULL of Iowa. The gentleman will admit this, that every gun placed by the Germans at Heligoland was protected, just the same as they are at Gibraltar. None of them are placed where they have no protection.

Mr. BARBOUR. Where the gentleman gets the idea that these guns are going to be exposed, and that there will be nothing to protect them, I do not know.

Mr. HULL of Iowa. All of them are exposed. They built at Flamenco, on Flamenco Island, and I called their attention to it. They have no protection to the guns. They have their ammunition protected. It is the most wonderful place in the world if they had properly placed it where nothing could destroy it; but they placed it just as high as they could, where everybody can shoot it and everybody can shoot at it. It is like a bird on a fence post, where every boy can hit it.

Mr. BLANTON. We need these "House experts." We have learned a lesson from these "House experts." We did so when the Navy experts told us about the necessity of raising the turrets of our naval guns, and then it was left for the gentleman from Illinois [Mr. Madden] to find out otherwise, and he prevented the expenditure of an appropriation of \$8,000,000.

Mr. BARBOUR. That was on the naval bill. I hope the committee will not strike this item out of the bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, the Panama Canal is conceded by everybody to be the keystone of our national defense. Our experts of the Army and the Navy, with the lesson of the recent World War before them, have had under study for several years the best way to defend this Nation by protecting the Panama Canal from invasion or destruction. Experts who are real experts have advised as to what should be done there. It is folly, and nothing short of folly, for this House to undertake to do anything except that which we are told by them to do. If misfortune should happen to the Panama Canal, how welcome it would be to the experts of the Army and Navy to be able to say, "I told you so, and instead of following our advice you took that of somebody who did not know a confounded thing about it," any more than I do, and I do not know anything about it. [Laughter.]

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. No; I decline for the reason that I have only five minutes.

Mr. HULL of Iowa. I will get you five minutes more.

Mr. JOHNSON of Kentucky. The longer this thing is discussed by somebody who does not know any more about it than I do—and that is full in evidence here [laughter]—the more apparent it becomes that at last we are compelled to take the advice of those officers in the Army and Navy who, through long years, we have educated up to the point of giving us advice. There is nothing else to do now, in my humble judgment,

than to take it and appropriate more than we are now doing. Because they asked for more, let us not give less; but every time let us give enough to make the country safe from invasion. [Applause and cries of "Vote!"]

Mr. HULL of Iowa. Mr. Chairman, I ask for one minute.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. HULL of Iowa. The gentleman is in favor of taking the advice of experts. Did the gentleman object in the war when the War Department told us we had to take in boys under 21 to win the war? Did not the gentleman question that advice and come on the floor of Congress and vote to defeat the War Department? The gentleman from Kentucky voted that way.

Mr. JOHNSON of Kentucky. If a question had arisen as to the question of placing those boys either here, there, or yonder, I would have yielded to the expert testimony of the officers of our Army. [Applause.]

Mr. HULL of Iowa. But you did not yield at that time.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. FITZGERALD rose.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. FITZGERALD. To discuss this portion of the bill.

The CHAIRMAN. Does the gentleman move to strike out the last word?

Mr. FITZGERALD. I move to strike out the last three words.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. FITZGERALD. Mr. Chairman and gentlemen of the committee, I am intensely interested in the fortifications of the Panama Canal, not only because I have been there and inspected them and returned to make a complaint to the Secretary of War about the defenseless condition of the canal, but also because I have conversed with those Army and Navy officers who are equally cognizant of the lack of proper defense of that property in which we have invested \$500,000,000.

You realize that not only has this canal commercial advantages, but it enables us to maintain a single fleet. To-day it is not necessary for us to have a Pacific Squadron and an Atlantic Squadron to our fleet, and in that way the canal is of great value. A ship may pass from ocean to ocean through the canal in eight hours.

Every time we have had strategic problems in mimic warfare by the Navy—last year and the year before—the hostile forces have captured and destroyed the Panama Canal because it is inadequately defended.

I know there are two schools of thought. I belong to the school of thought headed by Gen. William Mitchell, and I am convinced that the Panama Canal can not be adequately defended except through the air and with airplane bases in Hawaii and airplane bases in the West Indies.

I am in favor of the appropriation now under consideration—why? Because we can not get the aircraft appropriations sufficient to defend our island possessions and the canal at this time; we can not get the appropriations at this time to defend them in the way they ought to be defended; that is, in the most sure and economical way.

When I complained to the Secretary of War about the inadequate landing places—La France Field on the Atlantic side and the very imperfect field which faces up against the hills on the Pacific side—he called my attention, very properly, to the lack of appropriations from Congress with which to defend this great possession of ours, which is so valuable an asset commercially and to the national defense.

The only landing field we have on the Atlantic side is so restricted that modern planes loaded, as they must be loaded, with bombs can not safely rise into the air. On the Pacific side the field is so restricted and so located, facing Ancon Hill or Balboa Heights, that the large bombing planes can not take off safely.

I think the proposition made by my friend from Iowa is eminently sound. This late war showed a revolution in military affairs. There is not a fort in the world—think of Namur or any of the other great fortifications of the world—not even the Rock of Gibraltar, which can now be considered impregnable or of great practical value against modern artillery and aircraft. There is not a fixed fortification in existence now which can not be easily and readily demolished by the modern methods of warfare. The days of fixed fortifications are gone. The lessons of the late war taught the great value of mobile artillery; and I believe, with General Mitchell,

that every dollar we put into fixed batteries, shore batteries, and coast artillery is money wasted.

But I am for this appropriation because we can not substitute at this time, apparently, that protection which the United States needs, and this is a great deal better than nothing.

Mr. BARBOUR. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BARBOUR. There is a difference of opinion as to the effectiveness of airplane defense, and there are two schools of thought on that subject.

Mr. FITZGERALD. I realize that.

Mr. BARBOUR. Now, why take any chances? Why not make the best use of that which we have?

Mr. FITZGERALD. I am in accord with the gentleman. I would not ask the House to follow me on this proposition, but I do advance the proposition—and I believe it is worthy of the study of every man who is loyal to his country—that the aircraft we now have can destroy any ship that can be built, whether it operates on the water or under the water, and that everything afloat is vulnerable from the air, not only from the terrific bombs which have exploded with 2,000 pounds of high-power explosive, T. N. T., and destroyed the German unsinkable ship, the *Ostfriesland*, but with the great bombing planes now being produced, such as the *Barling*, which can carry 10,000 pounds of bombs or a single 10,000 bomb.

Mr. CONNERY. Will the gentleman yield?

Mr. FITZGERALD. With pleasure.

Mr. CONNERY. Is there any provision in this bill which takes care of the protection of the Panama Canal by aircraft?

Mr. FITZGERALD. There is, but it is limited in extent. There has been a cut in the appropriation as asked by the War Department of \$85,000. I believe it is the intention of this committee to divide the expense of providing for aircraft defense of the canal over a period of two years, and I want to follow this committee because I have great respect for it.

Mr. CONNERY. Would the gentleman submit an amendment to raise that appropriation?

Mr. FITZGERALD. I would like to; but I can not because we have passed that part of the bill and can not return to it now, except by unanimous consent.

Now, General Mitchell is out of the country and he was not heard by this committee, but I hope that some day, as the result of the investigations which will be made by the committee which has just recently been authorized by the House, or by special committee on the national defense, and that such a committee will take up this most important question, hear all the experts, get the different schools of thought and come to some conclusion as to the most economical and efficient method of defending this country, which I assert will be chiefly by aircraft.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last four words.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GREEN of Iowa. Mr. Chairman, I just wish to add a word of observation to the observations made with reference to my own experience and also the lessons of history.

The gentleman who last spoke is undoubtedly aware that so far as experience in past wars is concerned, no navy ever successfully went up against even a second-class land fortification, and in the last great war they never ventured within reach of the guns of any of the modern fortifications. Floating battleships and floating fortifications can not compete with stationary ones.

Now, as to the destruction of battleships by means of bombs dropped from the air. I was present at the last experiments which were made when two of our old battleships were destroyed by airplanes. The gentleman from Illinois who sits in front of me [Mr. WILLIAM E. HULL] was there. Without having conversed with him on the subject I think I can safely say that neither he nor myself nor most of those who were there were satisfied that there was any very great danger to battleships that were moving under high speed from bombs being dropped upon them from airplanes. It took several hours to destroy a couple of battleships that were at anchor and were not attempting to fire on the airplanes. The airplanes moved without any impediment; they came as close to the battleships as they wished, and notwithstanding that I think it was about—

Mr. WILLIAM E. HULL. It took all day on one of them.

Mr. GREEN of Iowa. I believe it took all day on one of them before it was finally destroyed, and as a result we were not strongly impressed with the effectiveness of that experiment.

Mr. FITZGERALD. Will the gentleman yield just a moment?

Mr. GREEN of Iowa. Yes.

Mr. FITZGERALD. I wonder if the gentleman knows that it is the claim of General Mitchell and others that these experiments were purposely held back in order to preserve as long as possible the targets for these bombs, and I will venture the suggestion that if General Mitchell is offered the chance he will demonstrate to even the skeptical opinion of the gentleman from Iowa that there is not a ship, modern as it can be made now, that can not be sunk in 20 minutes by a bomb, and I will give you for that ship all the antiaircraft you can put on it.

Mr. GREEN of Iowa. The gentleman from Ohio is quite right in saying that if you drop one of these large bombs at just exactly the proper distance upon a battleship the battleship undoubtedly will be destroyed; but the impression I got, and others who were around there, from these experiments was that those who were in the airplanes were doing the best they could to get the bombs at the proper point on the battleship and failed.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. HULL of Iowa. Does the gentleman know that in moving to strike this out I do not object to a battery on the shore. I only object to the fact they are not protecting the battery when they could do so. They could use railroad artillery or they could do as the other nations do and conceal it. I do object to the placing of a fixed battery on top of the land, and that is all.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ANTHONY. Mr. Chairman, I make the point of order that all debate has been exhausted on the paragraph.

The CHAIRMAN. The point of order is sustained. Debate is exhausted. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For contingent expenses incident to the construction of seacoast fortifications and their accessories, under the Engineer Department, \$20,000.

Mr. THATCHER. Mr. Chairman, I move to strike out the last word. I just want to say a few words in approval of these items of appropriation for the defense of the Panama Canal. I am sure it is the spirit and the purpose of the House to vote for these items in the bill. The fact that our Government has spent so large a sum of money in the construction of this great enterprise, and the further fact that the time is soon coming when the capacity of the canal must be doubled, or else a canal at some other point must be provided—and the logic of the situation seems to be that the doubling of the capacity of the present canal should be carried out—these facts, I would submit, make it the part of national wisdom and statesmanship to provide all reasonable appropriations for the purpose of protecting the canal. So far as the modes of protection may be concerned, there are different schools of thought. As a layman I am in favor of accepting the best composite thought of the military and naval experts who deal with this situation. If we fail to do our duty in making provisions, in the making of appropriations, for the defense of the canal when great international emergencies may arise we may be caught unawares and this great agency designed for the protection of our Government and for the advantage of the peace and commerce of the world may be proven vulnerable at a moment's notice and placed in the process of destruction.

I only wish to add—and I speak somewhat from first-hand knowledge of conditions which obtain there—that it is our duty as Members of Congress to take no chances whatsoever but to vote all reasonable appropriations for the proper protection of this great waterway. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

OFFICE OF CHIEF OF ENGINEERS.

Salaries: For personal services in the District of Columbia in accordance with "the classification act of 1923," \$120,593.

Mr. STENGLE. Mr. Chairman, I move to strike out the last word.

For about the thirty-fifth time since January 9 I have read in our appropriation bills the words "in accordance with the classification act of the year 1923." I think that possibly right

here and now it might be well for me to make a few observations and to express a fond hope. On January 9 of this year, under the leadership of that splendid chairman of the Appropriations Committee [Mr. MADDEN of Illinois], we began to assemble and pass our annual appropriation bills. At that time, for one hour, the distinguished Representative from the State of Illinois described in detail and with considerable ability what was going to happen to the vast army of civilian employees throughout the United States. Naturally, I was interested because of my past experiences, and I began to make some inquiries and to make some observations, and on the following day attempted to make what at that time was my maiden speech in this House. I at that time argued, and have many times since argued, that the classification act of 1923, while it was fair and honest and intended to be just to the employees of the United States, was, at that time and is now, being improperly and illegally administered by the Personnel Classification Board. I tried my best, without any desire to seek partisan advantage, to secure the attention of this body, and through this body the attention of the proper authorities to the need of having a fair adjudication of the salaries of the employees of our Government in accordance with the law that had been enacted by Congress in the Sixty-seventh session. Finally, about the middle of February, some of my friends on the Republican side of this House introduced a bill to abolish the Personnel Classification Board and to put in its place the Civil Service Commission, the proper and the right board to adjudicate and allocate the salaries. Hearings were held and I attended these hearings, and paradoxical as it may seem, peculiar as it may appear to you, each and every member of the Personnel Classification Board, when sworn before that committee, admitted that their board ought to be abolished by Congress.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. STENGLE. I have only a couple of minutes.

Mr. BLANTON. I know that, but we are going to have to thresh this matter out a little later when both sides can be heard, so why take it up now in connection with this bill. There are some things I agree with the gentleman about and some other things I am going to be opposed to the gentleman about.

Mr. STENGLE. I can not yield any more. I do not care whether you agree with me or not. I want to get this statement into the RECORD.

Mr. BLANTON. Mr. Chairman, unless there is going to be some opportunity to answer this matter on the floor, I do not think it ought to come up now.

Mr. STENGLE. If the gentleman wants to object, let him object.

Mr. BLANTON. I am not going to object, but the gentleman may bring in some matters here concerning this board that I would like to answer him on.

Mr. STENGLE. I have no objection to the gentleman answering me all he wants to at the proper time.

Mr. OLIVER of New York. Did the gentleman from New York ever object to the extension of time for the gentleman from Texas?

Mr. BLANTON. I am not going to object.

Mr. STENGLE. Mr. Chairman, I ask five minutes more.

The CHAIRMAN. The gentleman from New York asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. STENGLE. That Committee on Civil Service made a unanimous report and recommendation to this body signed by every member of that committee, Republicans and Democrats, recommending the abolishment of the board and the transfer of its functions to the Civil Service Commission. In addition to that the chairman of that board made a written application to our Committee on Rules asking for a special rule in order that this House might speedily dispose of the matter that is creating consternation not only in the District but throughout the entire Nation.

These are observations I wanted to make, and now I want to express the fond hope that the Committee on Rules will at an early hour report out a special rule to this House on the recommendation of that committee. I believe the people of this country desire that their employees should be dealt with honestly, squarely, and fairly, and I know of no better evidence of that fact than a letter I received to-day in reference to another section of employment, from the justices of the appellate division of the Supreme Court, second judicial district of the State of New York, in which, without regard to politics, without regard to partisanship, they ask, through me, of this House that we deal fairly with the postal employees of the Union. And so it is all down the line. I want to warn you gentlemen

now—and I say it without reflection upon any Member of this House—that unless there is some speedy action taken upon the report of the Committee on the Civil Service looking toward the abolition of the Personnel Classification Board and the transfer of its functions to the Civil Service Commission the entire field service of the United States will get not what they were promised, but will get practically nothing.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the motion of the gentleman from New York.

Mr. DICKINSON of Iowa. Mr. Chairman, we ought to make some progress with this bill, and I hope gentlemen will confine their remarks to the bill. I think that I shall have to object to anyone else speaking outside of the bill, although I am not going to object to the gentleman from Texas.

Mr. BLANTON. I only want three minutes.

The CHAIRMAN. Is there objection to the gentleman from Texas speaking three minutes?

There was no objection.

Mr. BLANTON. Mr. Chairman, when we passed the reclassification bill and the present reclassification board was created we thought that was going to be the end of the matter legislatively. We were led at that time to believe that it was not going to cost much, but now we are told that it will cost several million dollars extra each year in increased salaries.

Who composes this reclassification board that the distinguished gentleman from New York [Mr. STENGLE] objects to so strenuously? One is a member of the Budget, another is a member of the Civil Service Commission, and another is the Chief of the Bureau of Efficiency. The member of the Budget is chairman of the board. Is not that a fair board? What fairer board can you have, I ask our good friend, the gentleman from New York. And yet, forsooth, because this board has not pleased everybody in fixing their salary under the reclassification act, there has been a continual fight upon it for the last two or three months. And now we are going to have another bill in a few days again opening up this question and be forced to fight the matter all over again, when this effort is made to try to abolish the board because there are some employees of the Government not satisfied with the increases they are to get.

I want to say to my friend from New York [Mr. STENGLE], who is a valuable man here, that when the time comes I hope there will be enough men on this floor to stand up and say to the gentleman, and to all others who are seeking to abolish this board, that we have done our duty, we have passed a reclassification bill, we have created a fair board, and now we are going to let them function and not let the disgruntled ones get behind them and try to destroy the good work.

Mr. STENGLE. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. STENGLE. Would the gentleman oppose the abolishment of a board every member of which asked to be abolished?

Mr. BLANTON. If I worked for the Government in their capacity as members of a board, and if I had these fellows continually hounding me in newspapers and on the floor of Congress and I did not have to do that work, I might seek some other employment and be willing for the board to be abolished. But you can not get a more impartial board than to take one man from the Budget, one from the Civil Service Commission, and the Chief of the Bureau of Efficiency, and I am telling the gentleman from New York that I am one Member here who is going to back that board 100 per cent.

The pro forma amendment was withdrawn.

Mr. ANDREW. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a page from the latest report from the Agricultural Bureau concerning crops, which shows that the German supplies are increasing and that the German millers are demanding a tariff to protect themselves against importation of food from the United States.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

TANKS.

For purchase, manufacture, test, maintenance, and repair of tanks and other self-propelled armored vehicles, to remain available until June 30, 1926, \$176,000.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent to insert in the RECORD, as an extension of my remarks, a letter from The Adjutant General transmitting the decision of the Department of Justice in regard to the one-year enlistment. I think it will be very interesting.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. STENGLE. Mr. Chairman, reserving the right to object, has this to do with this bill?

Mr. HULL of Iowa. Certainly; it has to do with the enlistment of men in the Regular Army.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Speaker, under leave granted to extend my remarks I insert a letter from The Adjutant General respecting one-year enlistments.

The letter is as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, March 26, 1924.

HON. HARRY E. HULL,
House of Representatives.

MY DEAR MR. HULL: With reference to your telephonic request, I inclose herewith a copy of the opinion of the Attorney General regarding the question of enlisting men for one and three year periods.

In view of the fact that the Attorney General holds that the War Department is without authority to restrict original enlistments to the three-year period, instructions are being issued to the recruiting service directing that applicants for original enlistment be given the option of the one or three year period.

Very respectfully,

ROBERT C. DAVIS,
The Adjutant General.

DEPARTMENT OF JUSTICE,
Washington, March 26, 1924.

SIR: I have your letter of March 5, 1924, requesting my opinion on the question "whether or not, under the wording of section 27 of the national defense act, the War Department is authorized to restrict original enlistments to a three-year period."

You state that the policy of restricting original enlistments in the Regular Army to three years, which has been effective since January, 1922, is based on an opinion by the Acting Judge Advocate General approved October 26, 1921; that a recent opinion of the Judge Advocate General reverses the former one; and that, while you acted in good faith in restricting enlistments to a period of three years, if your action in that regard is erroneous you desire to at once authorize enlistments for a period of one year.

The national defense act of June 3, 1916 (ch. 134, 39 Stat. 166), provides specifically for the composition, organization, enlistment, and general administration of the forces composing the Army of the United States. It is comprehensive and provides that all laws and parts of laws, in so far as they are inconsistent with the act, are repealed.

Section 27 of the act of 1916 relates to the enlistment of recruits in the Regular Army and reads, in part, as follows:

"SEC. 27. Enlistments in the Regular Army: On and after the 1st day of November, 1916, all enlistments in the Regular Army shall be for a term of seven years, the first three years to be in the active service with the organizations of which those enlisted form a part and, except as otherwise provided herein, the last four years in the Regular Army reserve, hereinafter provided for: *Provided*, That at the expiration of three years' continuous service with such organization, either under a first or any subsequent enlistments, any soldier may be reenlisted for another period of seven years, as above provided for, in which event he shall receive his final discharge from his prior enlistment: *Provided further*, That after the expiration of one year's honorable service any enlisted man serving within the continental limits of the United States whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained may, in the discretion of the Secretary of War, be furloughed to the Regular Army reserve under such regulations as the Secretary of War may prescribe, but no man furloughed to the reserve shall be eligible to reenlist in the service until the expiration of his term of seven years: *Provided further*, That in all enlistments hereafter accomplished under the provisions of this act three years shall be counted as an enlistment period in computing continuous-service pay." * * *

As the foregoing provisions are specific and cover the entire subject of enlistments, all prior inconsistent laws are, by the express terms of the statute, repealed. We may, therefore, consider the provisions of section 27 of the act of 1916 as expressing the law relating to enlistments in the Regular Army on and after November 1, 1916.

The act provided that enlistments in the Regular Army must be for a period of seven years, three years of which shall be in active service and four years in the Regular Army Reserve, with a provision that a soldier could continue in active service by reenlistment at the end of his three-year period of active service. The act contained a further

provision that after one year of active service a soldier could, in the discretion of the Secretary of War, be transferred by furlough to the Regular Army Reserve. This act did not permit the soldier any option or discretion as to the period of his enlistment.

Section 27 of the act of 1916, supra, was amended by section 27 of the act of June 4, 1920 (c. 227, 41 Stat. 775), in so far as the period of enlistment is concerned, as follows:

"SEC. 27. That section 27 of said act be, and the same is hereby, amended by striking out all up to and including the third proviso, and also the proviso relating to the utilization of the service of postmasters, and inserting the following in lieu thereof:

"SEC. 27. Enlistments: Hereafter original enlistments in the Regular Army shall be for a period of one or three years at the option of the soldier, and reenlistments shall be for a period of three years * * *."

Section 27 of the act of 1920 plainly permits the soldier to choose between a one-year and a three-year period of enlistment. This right is to be exercised by him at the time of enlistment. There can, I think, be no doubt as to the intent of Congress in this respect.

In construing a statute the meaning of the legislature is first to be determined by the words used. *Brewer v. Blougher* (14 Pet. 178, 198); *Aldridge v. Williams* (3 How. 9, 24); *Coffin v. Ogden* (18 Wall. 120, 124). As stated by the Supreme Court in *Lewis, Trustee, v. United States* (92 U. S. 618, 621): "Where the language of a statute is transparent and its meaning clear there is no room for the office of construction. There should be no construction where there is nothing to construe." And, again, in *Folsom v. United States* (160 U. S. 121, 127): "* * * where the intention is plain it is the duty of the court to expound the statute as it stands."

If there existed any doubt of the intent of Congress to permit the soldier to choose between a one-year and a three-year period at the time of his original enlistment that doubt would be immediately removed by reference to the reports of the committee having the bill in charge.

In the Report No. 689 of the Committee on Military Affairs, House of Representatives, Sixty-sixth Congress, second session, accompanying bill H. R. 12775, which afterwards became the act of June 4, 1920, supra, it is stated:

"SEC. 26. A shorter enlistment period for men not yet familiar with Army life will tend to stimulate enlistments. It is proposed to allow new recruits to choose between a one-year and a three-year period, reenlistments to be for three years only."

The bill was sent to conference, and in its final report the conferees made the following statement in regard to enlistments:

"The period of enlistment in the Regular Army was fixed at one or three years, at the option of the soldier, for original enlistment, while reenlistments are to be for three-year periods. Enlistments and reenlistments for three years are encouraged by offering an allowance equivalent to three months' pay of a private for any such enlistment. This is a slight extension of the privilege granted by existing law." (Rept. No. 1049, 66th Cong., 2d sess.)

In view of the evident intent of Congress to permit a soldier upon his original enlistment the option of enlistment for a period of one year instead of three years, it is my opinion that the Secretary of War is not authorized to restrict such enlistment to a period of three years.

Respectfully,

H. M. DAUGHERTY,
Attorney General.

The honorable the SECRETARY OF WAR.

The Clerk read as follows:

SEACOAST DEFENSES, INSULAR POSSESSIONS.

For purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture, \$500,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. FITZGERALD: Page 54, line 5, strike out the figures "\$500,000," and insert the figures "\$876,375."

Mr. FITZGERALD. Mr. Chairman, I offer this amendment because of the responsibility which rests on this House. When I visited the Panama Canal and found it was defenseless, and it was agreed by authorities both military and naval to be defenseless, I wrote a letter of complaint about certain features of it to the Secretary of War. He replied that the lack of defense of the Panama Canal was due to the inadequate appropriations of Congress. When this appropriation bill was reported, the Secretary of War saw fit to address me a personal letter, and possibly rebuking me for my criticizing the War Department for maintaining this immensely valuable possession and item of our national defense in a defenseless condition when the fault was that of Congress. He showed that in this item this bill proposes a reduction of \$176,375 from the amount which the War Department asked. The necessity for this

amount of money is shown in the hearings and I can cite the pages where it is testified to by experts, and so far as I know there is no dispute about this amount of money, which I now have asked to be substituted in the bill, being necessary for this purpose. I believe it is the duty of those Members who have a chance to observe these matters which they believe and find to be wrong, and which all the experts agree are wrong, to call the attention of the House to them. This committee's duty is discharged when it weighs the evidence and decides between the Budget Bureau and the amount asked, or on its own initiation makes a reduction. It is always under the constant pressure of economy, often realizing that the Members of the House do not understand all of the details of the mass of matters on which they have to pass, and feeling that they must show their watchfulness and zeal by continually making cuts from the estimates prepared by those charged with the direct responsibility for the defense of the country. I would rather we would take a little chance on the expenditure of an extra hundred thousand dollars or two in the defense of the Panama Canal than follow out the course of paring down parsimoniously the few dollars that are asked for to make the defenses adequate, because, as has often been said on the floor of this House, it is just as well to be second in war as to hold the second best hand in poker.

Mr. ANTHONY. Mr. Chairman, I think the gentleman from Ohio [Mr. FITZGERALD] is mistaken in referring to this appropriation as being available for the Panama Canal. The ammunition that would be manufactured under it all goes to Hawaii and the Philippine Islands. None of it is to be used for the Panama Canal. The estimates called for the manufacture of 23,750 rounds of antiaircraft ammunition, to cost \$475,000, and for the manufacture of 10,600 rounds of 155-millimeter gun ammunition, to cost \$201,000, a total of \$676,000. The committee allowed \$500,000 for the manufacture of this ammunition upon the theory that we already had a large supply of antiaircraft gun ammunition in Hawaii and the Philippine Islands, and that there was no real necessity for the manufacture of the full amount.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. FITZGERALD. The chairman of the committee is right as he usually is—I might say always is—I must acknowledge, but the committee did make a reduction of \$147,985 on the appropriation for the manufacture of the antiaircraft gun ammunition, or rather for the bombs for the insular possessions on the Panama Canal on page 50, and on page 54 I find this further cut. When the Panama Canal appropriation is cut to the tune of \$145,000 and then this request for the defense of the island possessions is cut by \$176,000, I felt that a protest ought to be made to the House so that the House might hear the matter discussed.

Mr. ANTHONY. There was a slight cut in both instances, due to the fact that the committee has doubt about the effectiveness of our defense by means of antiaircraft guns. We do not believe it is wise to pile up a tremendous amount of ammunition at those places for the use of these antiaircraft guns that may never be used or, if used, will not be effective. We would rather put the money into the construction of airplanes, which is the proper defense against similar craft.

Mr. FITZGERALD. But the committee does not do that.

Mr. ANTHONY. Oh, we did give the department all that it asked for for the construction of airplanes.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. WAINWRIGHT. May I say that the defenses of the island of Oahu are just as important in the defense of the Panama Canal as the defenses of the Panama Canal itself, and I for one should hesitate to in any way cut down or lend my vote to in any way reduce any measure that the War Department deems necessary for the defense of that vital outpost of our possessions.

Mr. ANTHONY. The gentleman does not believe that we have a reasonably sufficient supply of ammunition in Oahu at the present time? Our information is that we have an abundant supply of it.

Mr. WAINWRIGHT. I think I would prefer to take the judgment of the War Department and the General Staff on that subject than the judgment of the committee.

Mr. ANTHONY. We prefer to exercise some judgment of our own, because the War Department is not always perfect in its estimates.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected. The Clerk read as follows:

SEACOAST DEFENSES, PANAMA CANAL.

For purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture, \$150,000.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment. At the end of line 14, in place of the figures "\$150,000," which should be stricken out, insert the figures "\$300,000," because that amount is the reduction suggested by the committee over the request made by the War Department and the experts. I want this House and this committee to realize its responsibility if these amounts are cut down, which sums I believe to be necessary for the national defense. I offer this amendment, hoping that this or some of these amendments may be carried and that this committee here will be encouraged to be a little bit wiser possibly toward the necessities of defending the great material resources of this great Nation.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 54, line 14, strike out "\$150,000" and insert in lieu thereof "\$300,000."

Mr. ANTHONY. Mr. Chairman, under this item the War Department asks an appropriation of \$300,000 to begin the manufacture of thirty 3-inch antiaircraft guns which would cost, when completed, \$900,000. The committee went very carefully into the matter of the antiaircraft defense of the Panama Canal, and we found under previous appropriations 35 of these guns had been already installed and mounted and are in position now. We felt 15 additional guns would provide for other reasonable antiaircraft defense of the vulnerable points on the Panama Canal, and that it was not wise to go into this large expenditure of \$900,000 for that purpose. We do, however, embark on a program which will ultimately cost \$450,000 when the guns we commence under authorization here are completed, and we believe that \$450,000 is as much as we ought to expend for this purpose at this time.

Mr. CONNERY. Mr. Chairman, I agree with the gentleman from Ohio [Mr. FITZGERALD], that we can not be parsimonious in defending the Panama Canal. I think if the War Department wants \$300,000 for the defense of the Panama Canal the least we can do is to give them that amount. I believe when we undertake to economize at the expense of the defense of our country we are putting ourselves in a dangerous position.

Mr. ANTHONY. To show the gentleman the necessity of scrutinizing the estimates that come from the War Department very carefully I want to call attention to the fact that the original plan for the installation of the 16-inch guns by the War Department was that they wanted to place them on Taboga Island. If we had gone ahead on that program, it would have entailed a possible expenditure of \$10,000,000 to \$12,000,000 more for auxiliary fortifications and posts to protect the guns, and in time the War Department saw that situation and reversed its recommendation and placed the guns on the mainland, with which decision we concur heartily. So the War Department is not always right.

Mr. CONNERY. I agree with the gentleman that the War Department makes mistakes sometimes.

Mr. LAGUARDIA. Does the gentleman admit that?

Mr. CONNERY. But when they want \$150,000 for antiaircraft defense for the Panama Canal I think if we do not give it we—

Mr. ANTHONY. They have already 35 now in position.

Mr. CONNERY. That is not much of a defense.

Mr. ANTHONY. We are making an appropriation and by the time these guns are completed they may have some new development and—

Mr. CONNERY. In the Argonne when these Germans came flying over we had more than 35 antiaircraft guns, and it did not stop them.

Mr. ANTHONY. I agree with the gentleman they are ineffective against airplanes. Do not the records show there is one-half of 1 per cent hits from antiaircraft?

Mr. FITZGERALD. The records show an expenditure of 15,000 shells from antiaircraft to get one hit.

Mr. ANTHONY. One effective hit.

Mr. LAGUARDIA. While it is true the percentage of bringing down a plane is very small, it is very disconcerting to the fellow who is bombing when they keep it up.

Mr. CONNERY. And he went considerably higher in the air.

Mr. HILL of Maryland. If the gentleman will permit, I saw antiaircraft guns in action, and I do not believe there is any—

body who saw that who would not be in favor of a large expenditure of antiaircraft guns.

Mr. CONNERY. I agree with the gentleman.

Mr. HILL of Maryland. I saw three planes brought down by antiaircraft guns in six weeks.

Mr. ANTHONY. The gentleman from Ohio quoted General Mitchell as his authority. General Mitchell told our committee last year he would not take into consideration at all any defense against aircraft from the ground or a ship.

Mr. FITZGERALD. I would like to ask the gentleman from Maryland if these are not the facts, that we never had enough antiaircraft guns and we did just what this committee is seeking to do; that is, to render the appropriation for antiaircraft guns more or less worthless, because we must defend in numbers by antiaircraft guns or we might just as well have none at all.

Mr. HILL of Maryland. I will say to the gentleman that I agree with him as to the need of an ample supply of antiaircraft guns.

Mr. LAGUARDIA. The best antiaircraft protection you can have is airplanes.

Mr. CONNERY. Mr. Chairman, I am in favor of this amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. FITZGERALD].

The question was taken, and the Chairman announced that the yeas appeared to have it.

Mr. FITZGERALD. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 7, yeas 26.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For purchase, manufacture, and test of ammunition for seacoast and land defense cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture, \$200,000.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment, to strike out the figures "\$200,000" at the end of line 18 and substitute therefor the figures "\$398,625" in order to restore the figures requested by the War Department.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Page 54, line 18, strike out the figures "\$200,000" and substitute therefor the figures "\$398,625."

Mr. FITZGERALD. Mr. Chairman, I do not want to take up further time of the committee. This is along the line of the reply of the Secretary of War to my criticism of lack of protection of the Panama Canal. I believe this to be necessary, and I offer the amendment for that purpose.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For procurement of forage, bedding, etc., for animals used by the National Guard, \$1,607,642.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Maryland moves to strike out the last word.

Mr. HILL of Maryland. I do so for the purpose of asking the chairman of the subcommittee a question. There was some question last year as to the allowance for horses for the Army and the National Guard. It is my understanding that there is no reduction in this bill but rather an increase in the allowance for these animals this year.

Mr. ANTHONY. Yes. I think this bill carries money to buy 600 mules for the Army and 5,000 horses.

Mr. HILL of Maryland. I want to congratulate the committee on their liberality and to withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For compensation of help for care of material, animals, and equipment, \$2,250,000.

Mr. SPEAKS. Mr. Chairman, I would like to ask the chairman of the committee a question. I notice a cut of \$255,298 in the item, "Equipment, animals, and matériel." Will this reduc-

tion in appropriations necessitate the discharge of any of the caretakers now in the service of any of the States?

Mr. ANTHONY. I will say to the gentleman that it is an increase over the current appropriation for the current year of \$150,000. The National Guard has only grown 3,000 last year. It will undoubtedly require more caretakers than at present.

Mr. SPEAKS. Does the gentleman state that this item will be sufficient to pay the salaries and allowances for all the employees required to properly care for the 10,000 animals and the great quantity of material and stores now in possession of the caretakers of the National Guard throughout the entire country and for which the officers of the guard are responsible?

Mr. ANTHONY. Of course, I do not know whether that is sufficient or not. The number assigned to care for the property of a company is left with the authorities. You can not give any organization all the labor they want.

Mr. SPEAKS. Well, there usually is some standard established in matters of this nature. It is not dependent upon the mere whim of some unauthorized person, but is fixed by regulations. The Budget carries \$2,500,000 to meet this contingency, while the gentleman's committee fixes it at \$2,250,000, a very material reduction. Information coming to me from official National Guard sources is to the effect that this action will not be in the best interests of the guard and may become embarrassing to the organization. The figure contained in the bill is far less than the official estimate. I feel that it will be insufficient for actual necessities.

Mr. ANTHONY. The estimates are based on a larger amount than at present.

Mr. SPEAKS. This is the period of the year when the guard may be expected to increase in strength very rapidly. As the season for the annual encampments and other field activities approaches interest in the organization is always apparent and reflected in a largely increased enlisted personnel. The guard has more than doubled in size during the past four years, and there is every reason for anticipating a continual enlargement of the citizen army. While appropriations are far more liberal than formerly, every care should be exercised to avoid the discouragements caused by insufficient allowances. Now, Mr. Chairman, I have no desire to occupy more time than may be necessary to emphasize the situation, and I therefore move to strike out the figures "\$2,250,000," appearing in line 14, and substitute therefor the amount fixed by the Budget, viz., "\$2,505,298."

The CHAIRMAN. The Clerk will report the paragraph.

The Clerk read as follows:

For compensation, for help, for care of materials, animals, and equipment, \$2,250,000.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SPEAKS: Page 68, line 24, strike out "\$2,250,000" and insert "\$2,505,298."

Mr. McKENZIE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. McKENZIE. I do so for the purpose of asking the chairman of the subcommittee a question. I desire to ask the gentleman from Kansas if, when the committee was considering this item, they were advised of the fact that there was pending before the Committee on Military Affairs an amendment to the national defense law, increasing or giving permission at least to increase the number of civilian employees for this particular work?

Mr. ANTHONY. I do not think the committee had any knowledge of that legislation pending.

Mr. McKENZIE. I will state to the gentleman from Kansas that the hearings before the Committee on Military Affairs disclosed the fact that in certain cities where these particular organizations are located they found they were short of help and that perhaps the authority should be widened in order to give them a little more authority to employ civilian caretakers to take care of the animals.

Mr. ANTHONY. If the gentleman will permit, I think the present law permits the assignment of five civilian caretakers to each National Guard organization. That is the maximum, but there has always been considerably less than that number assigned on the average all over the country. It has been found that it is possible, in many cases, to get along with less than the maximum, so that it is optional with the Militia Bureau as to the number of caretakers it assigns to each organization. This appropriation as made up is an increase of \$150,000 over the current year, in spite of the fact that the

growth of the National Guard this year has been practically negligible and will not be anywhere near as large as the department figures would make it appear.

Mr. McKENZIE. Did the testimony before your subcommittee on this particular item convince you that the former appropriation was not large enough to take care of the present number of civilian employees, and therefore there should be an increase?

Mr. ANTHONY. I think it was large enough with an economical expenditure of the money. As I stated a moment ago, every organization wants all the civilian help it can get. There is no soldier, whether in the Regular Army or in the National Guard, who likes to work, and if he can get his duties performed by civilian help and have that help paid for out of the Treasury of the United States he will gladly wear the uniform and appear on drill nights, but it becomes a little irksome when he has to do a little work.

Mr. McKENZIE. May I ask the gentleman this question: Suppose he lived in the city of Philadelphia and a clerk in one of the banks, as a patriotic citizen, is willing to join—

The CHAIRMAN (Mr. SNYDER). The time of the gentleman from Illinois has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois have five minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the gentleman from Illinois may proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McKENZIE. As I was saying, this bank clerk is patriotic enough to join the Pennsylvania National Guard, and becomes a member of Troop A, we will say, of the Cavalry, or of one of the Artillery units. Now, does the gentleman feel that it is quite in keeping with the service that is being rendered by the young men who go into these various units from a patriotic motive that they should be required to put on their old overalls or an old shirt and go down and curry the horses before breakfast, and then take care of them and bed them after supper, the same as though they were working on the farm for so much a month?

Mr. ANTHONY. In answer to the gentleman, I will say that a little of that would be fine exercise. [Laughter.] And a little bit would not hurt them.

Mr. SPEAKS. Suppose an organization has 100 animals that must be cared for and such organization now has five men employed for that particular purpose; does the gentleman mean to say that if this allowance would necessitate the discharge of four of those men and the entire duty were thrown upon one man that it would be all right?

Mr. ANTHONY. No organization has as many as 100 animals. In many cases—although the maximum authorized by law is five—it has been found that three men are ample to do the work.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. SPEAKS].

Mr. FITZGERALD. Mr. Chairman, I would like to have recognition. The amendment striking out the last word has not been withdrawn and I would like to speak in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. FITZGERALD. I want to say that this is really a matter of considerable concern. The preservation of the property of the National Government and the States intrusted to these National Guard units is a matter of importance. I know that the captains of these National Guard companies are charged with all this property; I know they have not sufficient help to properly look after it; I know that a great deal of it disappears and that the popular idea of the boys and their associates is that they can carry it off. I know that many of these captains have to make good these losses. I know of instances where thousands of dollars worth of the property has disappeared. I know that one of the good captains we had at Camp Sherman, at the opening of the war, lost his company and was sent to the brigade because as a National Guard officer he had been compelled to make good \$2,000 for property that had been lost without fault on his part at all, but under the regulations of the War Department he was absolutely responsible for it. It had been stolen or otherwise disappeared and he had to make it good. Over at Camp Sherman it was impossible for the captains in charge of these companies to sit around and watch thousands and thousands of dollars' worth of property and at the same time to attend to their duties in the training of their commands. This particular captain tried to keep up with his responsibility and was unable to properly perform his military duties, so that he was relieved of his command.

I say to this House that is a very poor proposition in economy to cut down the necessary personnel to take care of the property of the Government.

Mr. TINCHER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Kansas rise?

Mr. TINCHER. I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized.

Mr. TINCHER. Mr. Chairman, I claim to be a friend of the National Guard and would not want to do anything in the world to injure that organization, but if we are going to appropriate an additional quarter of a million dollars just because some man says he is afraid this will not be enough money, I think we are getting a little reckless with the funds. I understand the committee has worked this out on a basis which will be adequate for the guard, and I think we should be careful about appropriating money for civilian employees around the armories. There has been, according to my understanding of the matter, some complaint in the past of the number of civilian employees who are required to take care of a soldier. [Laughter.] I would not want to impose upon these civilian employees at all; but four of them or five of them ought to be able, with the proper equipment, to properly feed 100 horses. I expect there are a good many men to-day in the United States who are feeding more horses than that, and I am told there is no place where they require five of them to feed and care for more than 100 horses.

Mr. ANTHONY. Not more than 34.

Mr. McKENZIE. Will the gentleman yield? The gentleman, however, will admit that there is a very wide distinction on this proposition between civilian employees in the Regular Army and civilian employees in the National Guard. In the Regular Army, I would be willing to go right along with the gentleman.

Mr. TINCHER. If some witness testified before this committee or made any showing at all that we ought to appropriate this quarter of a million dollars, I would be a good enough friend of the National Guard to advocate doing that, but if we are just going to get up on the floor of the House and say, "I think that the boys might want this and we had better appropriate it," then I do not think it is proper. It is not for them, it is for civilian employees, and I think it would be a reckless way to handle the money of the Government.

Mr. SPEAKS. Will the gentleman yield just a moment? Would the statement of the officer in command of the Militia Bureau of the War Department that this is absolutely necessary satisfy the gentleman?

Mr. TINCHER. Well, as I understand, the officer you are talking about—

Mr. SPEAKS. The Chief of the Bureau of Militia in the War Department.

Mr. TINCHER. They have had this question up with the subcommittee and they have arrived at an understanding that they could get along with this amount of money. It is well known that no civilian employees will ever be satisfied with the amount of a Federal appropriation. I do not doubt but what the gentleman can read some statement like that, but my understanding is that they have come to a practical agreement on this amount of money and think it will be sufficient. Does the gentleman think there ought to be more than five men to care for 40 or 50 horses?

Mr. SPEAKS. That question is not even involved and neither have the civilian employees had a word to say about this matter. This is the report of the officer appointed by the President, who has his office in the War Department, to determine these very questions, and this officer says the amount is insufficient. Of course, there might be better authorities but I scarcely know where you would find them. The Budget officer also has recommended it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. SPEAKS].

The question was taken, and the amendment was rejected. The Clerk read as follows:

For expenses, camps of instruction, \$10,200,000.

Mr. NEWTON of Minnesota. Mr. Chairman, if I may have the attention of the gentleman from Kansas [Mr. ANTHONY]. In general debate the other day, in discussing the appropriation for the National Guard and the Organized Reserves, the gentleman made what I think was a suggestion worthy of consideration. It was that in connection with the training of the National Guard men and the officers in the Organized Reserve. He suggested that the officers in the Organized Reserve might very well be trained with National Guard and Regular Army troops so that they would not only get the theoretical training which they now receive but the practical

experience of actually commanding troops in combat exercises and maneuvers. It seemed to me the suggestion was worthy of real consideration, especially as to training camps where regular troops are available. I am wondering whether the suggestion has been considered by Army officers.

Mr. ANTHONY. I will say to the gentleman that I have heard the matter discussed by officers of the Regular Army and the only objection to training reserve officers with the National Guard during the period of the National Guard training appears to come from officers of the guard itself, some of whom did not like the idea of taking on the training of reserves at that time; but the Army officers with whom I have talked say it is entirely a practical idea and that the reserve officer gets a far greater value from training with troops of his branch of the service than in any other way, but our Regular Army is so widely scattered and is so small that we have not enough troops of the regular branches to take on the training of a large number of reserve officers, but we have a large National Guard. There will be between 160,000 and 180,000 of them in camp this summer, and they state that it would be perfectly feasible to attach several thousand officers of the reserves to the guard for training purposes.

Mr. NEWTON of Minnesota. Of course, the suggestion of the gentleman was simply a suggestion, but it seems to me that it at least has the semblance of real value to it, and while it might not be possible this year to put it into full force and effect, it seems to me it could be put into experimental effect at some place where the whole problem could be worked out to see whether it would be satisfactory both to the guard and to the Organized Reserves. I certainly think it ought to be applied to our regular troops so that these officers could be trained with regular troops.

Mr. FITZGERALD. Will the gentleman yield?

Mr. NEWTON of Minnesota. I yield to the gentleman.

Mr. FITZGERALD. In regard to this very matter, I would like to ask the Member from Minnesota if he has in mind the conditions which now surround these camps where the reserves and the National Guard have to go? I am referring particularly to the head of our corps area, Ohio, Kentucky, West Virginia, and Indiana, and Camp Knox in Kentucky. There are not enough soldiers there to even skeletonize the Infantry companies or any of the other companies there, and I understand the condition of the Regular Army is such in regard to the duties which they must perform that it can not now assemble a whole company scarcely anywhere in the United States, and we find there that they have not enough officers or enough equipment, unless they assemble them from different points like Leavenworth and other places, to give the instructions necessary for those taking training there as reserve officers, National Guard officers, or members of the citizens' military training camp, or the school for the National Guard itself. I have attended there two years, once as a teacher in a citizens' military training camp and last year as an officer of the reserve, so I know something about conditions, and I was going to ask the Member if he knew of these conditions and had matched up what had been suggested here with the conditions which to-day surround these camps, to know whether we could feasibly do this.

Mr. NEWTON of Minnesota. I do not know the conditions that prevail throughout the country. I do know the conditions in my particular corps area. At Fort Snelling, for example, there is both Infantry and Artillery. Furthermore the Third Infantry there under Colonel Bjornstad developed into the finest Infantry outfit that the Regular Army has ever had.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. NEWTON of Minnesota. I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. It occurred to me that it might be very well to adopt this suggestion in part and see just how it will work.

Mr. FITZGERALD. I am thoroughly in favor of it if it can be done, but I simply want to call the attention of the committee to the conditions.

Mr. NEWTON of Minnesota. There are some difficulties that may accompany it, and that was why I suggested that we test it for this year because it might be only an experiment, but really test out the worth of what I deem to be an excellent idea.

Mr. FITZGERALD. I think it would be most useful to bring in contact the different elements of the national defense—the Regular Army, the National Guard, and the Organized Reserve.

Mr. NEWTON of Minnesota. I think that is a valuable suggestion.

Mr. Chairman, while I am on my feet let me also refer to the Organized Reserves. We have now approximately 85,000 reserve officers. So far as possible these men who are willing to devote their time to this excellent service should be permitted to train every summer if they so desire. Certainly funds should be provided so that every officer can attend at least once every third year. The amount appropriated this year still falls short of that. It will figure out about every fifth or sixth year. I should like to see the amount increased so as to carry out the recommendations of the reserve officers and the Army, so as to enable training for every officer at least once during every three-year period. Furthermore, it is highly essential that adequate provision be made for divisional headquarters for the reserve divisions.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For pay of National Guard (armory drills), \$10,200,000.

Mr. SPEAKS. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman whether he considers the money appropriated for armory drills sufficient.

Mr. ANTHONY. The amount recommended by the department and by the Budget was \$10,600,000. The amount appropriated is \$10,200,000. The amount was based on the National Guard strength of 190,000, but, as I said a while ago, the strength of the guard to-day is only 163,000. The committee does not believe that the guard will attain a strength of 27,000 additional between now and June. But grant that it will have 190,000 men, based on the last recorded cost for this training, which is \$54.05 per man which it cost in the year 1902, it will bring the total cost of this item to \$10,269,000. The Militia Bureau says it will cost \$56 a man, but they did not show any figures to sustain it, and so we took the last recorded figures.

Let me say this to the gentleman: It is only within the last year that the committee has been able to get any figures at all of what has been the cost or the pay of the guard. They have not had them tabulated in the War Department so that they can give the definite pay cost for any one year until this year, and we find now that we have been overappropriating for it right along.

Mr. SPEAKS. Unexpended appropriations revert to the Treasury; there is no money wasted.

Mr. ANTHONY. Yes; but the gentleman knows from experience that the guard never reports 100 per cent for drills, and so the maximum amount is never claimed. We think the amount is entirely sufficient. There is no purpose on the part of the committee to keep one dollar from the guard.

Mr. SPEAKS. It is true that 90 per cent of the guard in attendance at drills, encampments, and other activities is a very creditable showing.

Mr. ANTHONY. If the strength of the guard was 200,000, you deduct 10 per cent and you have 180,000.

Mr. SPEAKS. My object in bringing up the question was to impress Members with the fact that we are maintaining a very efficient and cheap military force in the National Guard. When you consider that at the present time we have approximately 165,000 men in the National Guard, maintained at a cost of about \$29,000,000, ready and available for any service, there should be no doubts concerning the practicability and effectiveness of this form of military preparedness. While disclaiming any intention of making invidious comparisons or in any manner reflecting on the Regular Establishment, it does seem proper, for the purpose of illustration, to call attention to the many times larger appropriations required for a Regular Army much smaller in strength than is the guard. As a further proof of the efficacy of the system under which our volunteer citizen army is created and maintained it is only necessary to recall that in the World War all the National Guard organizations were in France, and that almost half the American divisions reaching the firing line were National Guard units.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SPEAKS. Mr. Chairman, I ask to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman from Ohio?

There was no objection.

Mr. BULWINKLE. Will the gentleman yield?

Mr. SPEAKS. I yield to my friend from North Carolina.

Mr. BULWINKLE. I want to say to the gentleman that all of the National Guard divisions were in France—14 of them reaching the front lines.

Mr. SPEAKS. Yes. Now, in view of the fact that any appropriations remaining unexpended revert to the Treasury, I can see no objection at all to increasing this allowance. It would encourage officers and men to know that their efficiency and worth are being recognized and that there is no tendency on the part of Congress to cut necessary appropriations. I dislike to see a cut made on such an important item as this. I know from official military sources that they consider this amount insufficient. However, I desire to express the belief that the very earnest and efficient chairman of the subcommittee in charge of the bill has given the subject careful and conscientious consideration.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. SPEAKS. I yield to the gentleman from New York.

Mr. WAINWRIGHT. Is the gentleman aware that there were more men killed and wounded in the ranks of the National Guard than any other one element of the Army during the World War?

Mr. DYER. There were more of them.

Mr. SPEAKS. There were 11 National Guard divisions, 11 National Army divisions, and 7 Regular divisions.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee whether he does not think if the rule were made more flexible in regard to the technical organizations in the National Guard the National Guard would grow a little faster?

Mr. ANTHONY. I think the gentleman's conclusion is correct. I think one reason for the failure of the guard to grow is that the War Department's regulations are too arbitrary—too drastic. There are many States that would expand their guard if they could expand it along the lines they desire; but if they are required, for instance, to maintain a wagon train, or a sanitary train, or a medical regiment in which men dislike to serve in time of peace, the State can not organize a unit of that kind, and the growth of the guard stops.

Mr. HULL of Iowa. Who promulgates these rules? Is it the Militia Bureau or is it the General Staff of the Regular Army?

Mr. ANTHONY. I think the General Staff of the Regular Army.

Mr. HULL of Iowa. I thought we had it fixed so that the National Guard was to be controlled by the Militia Bureau, and that we put at the head of the Militia Bureau a National Guardman, so that this very thing could be controlled by the National Guard itself. I am wondering if the present general who commands the Militia Bureau has become somewhat inoculated with the virus of the General Staff of the Regular Army.

Mr. McKENZIE. Mr. Chairman, will the gentleman permit an interruption right there?

Mr. HULL of Iowa. Yes.

Mr. McKENZIE. I think there is a good deal of force in what both the gentleman from Iowa and the gentleman from Kansas have said. However, it would not be perhaps wise to permit some man in the Militia Bureau to decide that in the National Guard the units should be all of one particular character. For instance, you might have some pigeon enthusiast who would want them all put into pigeon brigades, and another who would want them all in the Infantry, and another, all in the Cavalry.

Mr. HILL of Maryland. You might say that they all ought to be on mobile artillery and not on fixed defenses.

Mr. HULL of Iowa. I am earnest in what I say in regard to National Guard. I think it is the cheapest protection that we get for the money that we expend. I believe we ought to think very seriously in regard to the future expansion of the National Guard. We are now maintaining a force of something like 160,000 or 165,000 men in the National Guard for very much less than \$30,000,000, which is very much less again than it costs us for 125,000 men in the Regular Army, and they are properly distributed to preserve order throughout the country. I might say that this is a very good illustration of the fact that you can not rely on expert advice in the Army.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. I am reminded that for several years in our committee, and the gentleman from Kansas [Mr. ANTHONY] at that time was a member of that committee, we had to fight to preserve in any form even a relic of the National Guard, and there was not a Regular Army man or expert who pretended to know anything about the Army who did not tell us that we could not make an effective military organization out of the National Guard.

Mr. BULWINKLE. They changed their opinion.

Mr. HULL of Iowa. Oh, yes; they said "We did it." I yield to the gentleman from Maryland.

Mr. HILL of Maryland. Oh, the gentleman has answered the question that I had in mind.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

The Clerk read as follows:

ARMS, UNIFORMS, EQUIPMENT, ETC., FOR FIELD SERVICE, NATIONAL GUARD.

To procure by purchase or manufacture and issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories or the commanding general National Guard of the District of Columbia, such military equipment and stores of all kinds and a reserve supply thereof as are necessary to arm, uniform, and equip for field service the National Guard of the several States, Territories, and the District of Columbia, and to repair such of the aforementioned articles of equipage and military stores as are or may become damaged when, under regulations prescribed by the Secretary of War, such repair may be determined to be an economical measure and as necessary for their proper preservation and use, \$2,700,000: *Provided*, That the Secretary of War is hereby directed to issue from surplus or reserve stores and material on hand and purchased for the United States Army such articles of clothing and equipment and Field Artillery, Engineer, and Signal matériel and ammunition as may be needed by the National Guard organized under the provisions of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act approved June 4, 1920. This issue shall be made, without charge against militia appropriations except for actual expenses incident to such issue.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent to extend in the Record my remarks already made this afternoon.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TILLMAN. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SPEAKS. Mr. Chairman, I call the attention of the Committee on Appropriations to a reduction of \$400,000 in the item "Arms, uniforms, equipment, etc., for field service, National Guard." As I understand, the vast stores and stocks of military supplies, embracing equipment, matériel, and military stores of every character, remaining after the war are becoming exhausted in many particulars, and it will now be necessary to charge to the National Guard appropriations for supplies formerly taken from that source. I assume the gentleman has had that in mind and under consideration in fixing this item. It should be remembered that this situation applies to uniforms, shoes, ammunition, and articles most essential to the soldiers' complete equipment.

Mr. ANTHONY. That is true. This is one item that the Militia Bureau was unable to satisfactorily substantiate. Last year they did not make any argument to the committee whatever for the appropriation they asked for, and this year they gave very little more. For instance, to cite one particular item, they stated they wanted to use \$360,000 in this appropriation for tentage. We know that the Regular Army has a large supply of tentage on hand, and we thought it was unwise to buy tentage for the National Guard when they could borrow it or get it from the Regular Army. It was along those lines that we reduced the appropriation.

Mr. SPEAKS. I do not care to take the time of the committee, but my desire is to keep before the membership the necessity for making the most liberal appropriations for the National Guard consistent with good business judgment. It has required almost a half century of effort and sacrifice on the part of the patriotic citizens responsible for its continuance and improvement, and nothing should occur to dampen the ardor of its membership. It must and will be the great reliance upon which our Government will rest in time of stress and emergency in State or Nation.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

ORGANIZED RESERVES.

Officers' Reserve Corps: For pay and allowances of members of the Officers' Reserve Corps on active duty for not exceeding 15 days' training, \$1,638,600; for pay and allowances of members of the Officers' Reserve Corps on active duty for more than 15 days in accordance with law, \$400,466; for mileage, reimbursement of actual traveling expenses, or per diem allowances in lieu thereof as authorized

by law, \$335,594: *Provided*, That the mileage allowance to members of the Officers' Reserve Corps when called into active service for training for 15 days or less shall not exceed 4 cents per mile; in all, \$2,374,660.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word. Mr. Chairman, this paragraph deals with the training of the Organized Reserve Corps for a period of 15 days in the summer. This item was the occasion of considerable contest during the last session of Congress.

There has been very careful consideration given by the subcommittee to this item and I think there should be consideration by this committee as to certain matters in reference to it. The special item for your consideration is the appropriation for compensation and allowances for training of the officers of the Organized Reserve Corps for the 15-day period. Last year the appropriation was \$1,150,000. The Budget estimate this year was \$2,039,066, which amount was recommended by the subcommittee and is carried in this bill, being an increase of \$889,066 this year.

I invite the attention of the committee to page 754 of the hearings. Colonel Dickinson is a reserve officer, serving on the General Staff as a member of the operations and training section. He is in charge of the Organized Reserves. He represented the War Department as a reserve officer and in that capacity made a very full statement before the subcommittee. I think the gist of the statements on this question, which the committee should have in mind, are very well summed up in that portion of page 784 from the middle of the page to the top of the next page. I will read that portion for the information of the committee. In response to a question by the gentleman from Kentucky [Mr. JOHNSON] Colonel Dickinson said:

The War Department's original program provided for 14,151 officers and 1,500 enlisted men.

Mr. JOHNSON. So, then, everything looking toward preparation for the national defense was sacrificed at the probable expense of a few dollars?

Colonel DICKINSON. Sacrificed to the needs of economy, sir.

Mr. ANTHONY. And with some thought of the taxpayer?

Colonel DICKINSON. Yes.

Mr. JOHNSON. I did not know he was ever considered.

Mr. BARBOUR. You are not going to be able to train one-third of the officers each year for three years unless the appropriation is increased?

Colonel DICKINSON. No, sir.

Mr. BARBOUR. Is that contemplated by the War Department?

Colonel DICKINSON. The War Department would like to train a third; but, of course, under the present system of the operation of the Budget, the War Department is limited to the total prescribed under which they must bring all of the various activities and, therefore, it is divided up and distributed in this way.

Mr. BARBOUR. You will train about a fifth of the attached officers, as I understand it?

Colonel DICKINSON. Under the present estimate, 12,615 out of 80,000.

Mr. BARBOUR. Some of those are not attached, or it is not intended to train all of the 80,000?

Colonel DICKINSON. There is a question, of course, of priority in training; I mean, officers who belong to the combat arms, who have no facilities in their civil occupations to learn anything about their duties in time of war. Officers who are actually going to command men in battle should be trained as much as possible, because they have nothing in connection with their civil occupations to give them tactical training. They must be put on active duty frequently in order to supplement their theoretical work on an inactive status by practical training in the field. Other officers of the technical and administrative branches get a certain amount of training in their war-time duties in connection with their civil pursuits.

Now, out of a total of about 80,000 reserve officers 63,000 of those officers are assigned to various tactical units—regiments, divisions, and various separate nondivisional groups—making up the necessary organization of six field armies which would furnish 2,000,000 men in case of an emergency. I think one reason why there is such a smoothness in the consideration of this bill is the very obvious spirit on the part of the Subcommittee on Appropriations to give every possible consideration to the question of an adequate expansion of the reserves. Quite a number of Members of the House appeared before the subcommittee to make suggestions on behalf of a theory underlying the reserves which should prevail, that is the theory that of the 63,000 reserve officers attached to tactical units, such as regiments of Infantry or Cavalry or Field Artillery, of these 63,000 so attached, who will be necessary officers in time of emergency,

there should be accorded each year training to at least one-third of them. That would make an annual training of about 21,000 officers. Now, it appeared from the testimony of General Delafield, president of the Reserve Officers' Association, and also from the hearings of the subcommittee which appear very fully in this examination of Colonel Dickinson by the chairman of the subcommittee [Mr. ANTHONY] and other members of the subcommittee, that last year there were 20,000 reserve officers who desired training. Last year the appropriation was an appropriation which provided for the training of about 6,000 officers, a few more than 6,000 officers, in the 15-day summer period. This year, due to the increase recommended by the committee, there is provision made for the training of about 12,000. That is a very substantial and proper increase, and I think that the House should recollect that the Reserve Corps and the National Guard are very wise provisions establishing a plan of defense that has come out of our experience in the recent war. The reserve organizations provide throughout the Nation skeleton organizations. Now, I am glad to see in the bill this year the committee has appropriated an increase in the enlisted personnel in the Reserve Corps and enlisted corps.

The CHAIRMAN. The time of the gentleman has expired. Mr. HILL of Maryland. May I ask for two additional minutes?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WATKINS. In an extension of the gentleman's remarks will he put in the table on page 749 showing the number of officers trained at the various camps in 1923 in order that the people getting the Record may have that data?

Mr. HILL of Maryland. Mr. Chairman, I ask unanimous consent to revise and extend my remarks, and by including certain brief extracts from the hearings, including the one which the gentleman suggests.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL of Maryland. The extract is as follows:

Organized Reserve encampments, summer of 1923.

	Number of officers trained.
First Corps Area camps:	
Devens	504
Mitchel Field	61
Fort Wright	55
Fort Constitution	6
Dix	391
Vail	14
Carlisle Barracks	56
Madison Barracks	67
Langley Field	3
Mitchel Field	82
Camp Hamilton	20
Fort Hancock	20
Porto Rico	26
Third Corps Area camps:	
Camp Meade	605
Fort Monroe	54
Langley Field	32
Fourth Corps Area camps:	
Camp McClellan	450
Fort Bragg	136
Maxwell Field	43
Fort Barrancas	51
Fifth Corps Area camps:	
Camp Knox	504
Wilbur Wright Field	81
Fort Monroe	27
Sixth Corps Area camps:	
Camp Custer	511
Selfridge Field	51
Chanute Field	87
Scott Field	43
Seventh Corps Area camps:	
Fort Snelling	213
Fort Des Moines	210
Fort Leavenworth	208
Richards Field	25
Eighth Corps Area camps:	
Fort Sam Houston	249
Fort Logan	127
Fort Sill	180
Fort Bliss	13
Brooks Field	23
Ninth Corps Area camps:	
Del Monte	133
Camp Lewis	182
Fort Douglas	113
Crissy Field	51
Fort W. Scott	25
Fort Worden	15

Total number trained..... 5,701

[NOTE.—The total number of officers trained to date is 5,910; 709 have received training, as follows: 98 administrative and technical officers at posts, arsenals, and depots in connection with industrial mobilization activities under the jurisdiction of the Assistant Secretary

of War; 111 by assignment to units of the Regular Army, including 48 in the Hawaiian Department. Approximately 700 officers will be trained, as above stated, during the remainder of the current fiscal year, with funds held in reserve for the purpose.]

Mr. JEFFERS. Will the gentleman yield?

Mr. HILL of Maryland. I will.

Mr. JEFFERS. I want to get this into the RECORD right here. The gentleman says the committee has provided in this bill that 12,000 be trained this year?

Mr. HILL of Maryland. Yes; that means—when I say this year, I mean the coming fiscal year—this summer.

Mr. JEFFERS. The coming summer. And there are about 63,000 reservists attached to tactical units?

Mr. HILL of Maryland. I will say to the gentleman there are 63,323 out of a total of 80,000.

Mr. JEFFERS. I do not mean those not attached to tactical units.

Mr. HILL of Maryland. There are in all about 86,000 reserve officers. Five thousand of them are also National Guard officers.

On Monday, January 21, 1924, Colonel Dickinson appeared before the subcommittee. I ask that you note what he said as to the War Department training plans, which was as follows:

Mr. ANTHONY. Colonel Dickinson, will you give your full name and status at the War Department for the record?

Colonel Dickinson. Lieut. Col. Howard C. Dickinson, General Staff, member of the training branch of the operations and training division in charge of Organized Reserves.

Mr. ANTHONY. Colonel Dickinson, we will be glad if you would give us a general statement of the work you have done during the last year in the way of training. Give us the present status of the officers of the Reserve Corps and what was done in the last year in the way of training.

TRAINING OF RESERVE OFFICERS.

Colonel Dickinson. The appropriation for the current fiscal year amounted to \$1,755,000, with which the War Department is now engaged in the training and instruction of reserve officers along the following lines: Active duty training at camps during the past summer provided training for approximately 5,910 reserve officers. These were trained in each corps area in a series of Organized Reserve camps during periods of 15 days. It is proposed to train an additional number of reserve officers, approximately 700, during the remainder of the current fiscal year.

Mr. ANTHONY. That is in the Northwest where you train them?

Colonel Dickinson. That will be in all the corps areas.

As to the training projects for the reserves, we are trying to develop a continuing program; that is to say, not confined to any one period of the year. The War Department's idea is a continuing program so that reserve officers will be trained during the entire year. There are certain times of the year, in certain corps areas, more favorable to training than other periods, and, furthermore, the convenience of the reserve officer does not always permit of his receiving training at a definite, stated time during the year. Some officers can train, for instance, more conveniently in the spring, others in the summer, and some in the autumn; so that, looking to the future, when we hope we will have more money to train more officers, we want to establish the policy of a continuing training cycle throughout the year.

NUMBER OF OFFICERS IN RESERVE CORPS.

The Adjutant General reports that on the 1st of January we had 84,500 reserve officers, of which approximately 4,900 are National Guard officers; so we might say that the reserves consist at present of approximately 80,000 officers of various grades from major general down to second lieutenant.

Mr. ANTHONY. Do those reserve officers who hold National Guard commissions undergo outside training periods during the summer?

Colonel Dickinson. No, sir; they train entirely with the National Guard. The reason that they take reserve commissions is for the purpose of giving them a war status solely.

Mr. ANTHONY. There is no duplication of training, then?

Colonel Dickinson. No, sir.

Mr. ANTHONY. You stated that 5,910 have been called out so far during the current year?

Colonel Dickinson. Yes, sir.

Last year 20,000 reserve officers applied for training. About 6,000 were able to get it. The situation this year appears from the following:

Mr. ANTHONY. Has any estimate been arrived at as to the number of officers who have expressed a willingness to attend training camps during the coming season?

Colonel Dickinson. No, sir; no definite or accurate figure. I have no estimate other than the general impression that prevails not only in the War Department but in the field, and the reports that we

get from the corps area commanders and the Regular Army officers on duty with the reserves, that the reserve officers are extremely anxious for opportunities to train.

Mr. ANTHONY. What percentage of those ordered on duty for training last year failed to show up or were released from orders to train?

Colonel Dickinson. The percentage was very small, indeed. There were a few who at the last moment were unable to attend, and a few were relieved on account of physical disability.

The appropriation for the needed Enlisted Reserve Corps is of equal importance as part of the gradually developing plan of national defense.

Note the following statements on this subject:

Mr. ANTHONY. The Enlisted Reserve Corps: "For pay, transportation, subsistence, clothing, other supplies and incidentals," \$50,000 is the Budget estimate for the next fiscal year. You had \$5,000 for the current year. Did you expend the \$5,000 for the current year?

Colonel Dickinson. Yes, sir.

Mr. ANTHONY. There was no appropriation asked for by the War Department or the Budget for the current year, but the committee appropriated \$5,000.

Colonel Dickinson. Yes, sir.

Mr. ANTHONY. That has been expended?

Colonel Dickinson. Yes, sir, with the exception of a small balance.

Mr. ANTHONY. What is the status of the Enlisted Reserve at this time?

Colonel Dickinson. There are at present 2,352 enlisted reservists, constituting an increase of about 1,500 over this time last year.

Mr. ANTHONY. How do you enlist those men; how do you grade them?

Colonel Dickinson. Under the War Department policy it is desired ultimately to provide the key noncommissioned officers and enlisted men in all reserve units. The idea would ultimately be to have 25 enlisted men, including noncommissioned officers and specialists for each company or corresponding unit of the reserve, in order to establish these training cadres ready to absorb the man power of the country as procured by the selective draft or such other measures as Congress may enact in time of a national emergency.

Mr. ANTHONY. How many of your 2,000 reservists are noncommissioned officers?

Colonel Dickinson. Practically all of them.

Mr. ANTHONY. Practically all of them?

Colonel Dickinson. They are either noncommissioned officers or have been enlisted with a view to their development as such. When the project of enlistment was first conceived, it was thought that we would enlist solely noncommissioned officers, but it seems advisable to enlist such good material as is available, with a view to development into noncommissioned officers, and subsequently into commissioned officers.

The gentleman from New York [Mr. MAGEE], the gentleman from Massachusetts [Mr. ROGERS], the gentleman from Alabama [Mr. JEFFERS], and the gentleman from Alabama [Mr. HILL] and many other Members appeared before the subcommittee urging adequate appropriations for the Reserve Corps. I also appeared on January 21, 1924, and what I said then applies equally to-day. Because of certain matters I then took up I will invite your attention to what I then said.

Mr. Chairman, I do not think there is any man in the country who is more deeply interested, earnestly and from a practical point of view, in the development and the proper development of the Reserve Corps than the chairman of this subcommittee, Mr. Anthony. I am here to-day to say only a word, and I come before the committee with a great deal of diffidence, because I feel the committee is working on this matter from a point of view that we are all interested in. I only come to present for the consideration of the committee the question of the amount of field training for the reserve organizations and officers, and I venture to do this because of some practical personal experience in reference to some of the reserve units and reserve problems.

There are at the present time 84,500 reserve officers. Of these officers 63,000 are either attached or assigned to various units, which units are component parts of the six field armies, providing for 2,000,000 men to be immediately trained in case of emergency.

Experience in the last war showed that if we had a training organization or a more or less definite regimental organization, or other unitary organization, it was a very simple matter to train the men in a comparatively short time.

During the past war, in one division, 5,000 drafted men were poured into this division two weeks before it sailed for France, and those men were in defensive trenches within three weeks after they reached France. Therefore it is extremely important that the reserve officers and the reserve organizations be kept in as efficient a condition as possible, ready at any moment of need to receive, train, conserve the health of, and command in action the troops that would be drafted. I venture to suggest to the committee that, there being 63,000 reserve

officers attached or assigned to existing necessary tactical and other units, they should be trained at least once in every three years.

Most reserve officers are officers of no large personal means. It is very difficult to get officers to consent to come into the Reserve Corps, when we consider the large number of officers who were in the World War. There are a great many men who can be counted on in an emergency, but who will not assume the obligations of the Reserve Corps in time of peace. The reserve officers and reserve units throughout the winter are given specific forms of instruction. I know of a reserve regiment which has two definite meetings a month, in which the problems of troop handling are taken up by each officer in order, under the supervision of the commanding officer of the regiment and of the Regular Army executive officer of the regiment. They also have the correspondence schools throughout the year.

These officers, if they knew sufficiently far in advance that they could go to summer camp, would make arrangements to go, but the uncertainty of their being able to go prevents them from doing so.

Therefore, as I said, with some diffidence but having great confidence in this subcommittee, I wish to suggest to you the advisability of arranging for the training each year of one-third of the 63,000 officers who are attached or assigned. That leaves 21,500 not attached or assigned. Some of those officers would probably be necessary for field training once in three years, or it would be advisable to let them have field training. A number of those nonunit officers, however, are officers who do not require field training. Take, for instance, the officers of the Judge Advocate General's Department. It is advisable that they should have knowledge or previous contact with troops, because the point of view of a military lawyer is totally different from the point of view of the civilian lawyer. There is a decidedly different element required. It would be advisable that they have training, but I respectfully submit that it is absolutely necessary that the officers who are expected to be company or battalion or regimental officers, or other independent unit officers, should know that once every three years they will be in the field for actual maneuvers and training.

Mr. Chairman, I am very much obliged to the committee for having had this opportunity to present this view to you, as a necessity for the national defense under the present defense act.

Without any pay or other monetary compensation, all through the winter the reserve officers of organized units are working for the national defense.

As an indication of the work of the reserve organizations you may be interested to see the following schedule of work for the month of February of a reserve Cavalry regiment.

HEADQUARTERS THREE HUNDRED AND SIXTH CAVALRY,
HOWARD STREET ARMORY,
Baltimore, Md., January 14, 1924.

Subject: References to be looked up for February meeting.

To: All officers assigned or attached, First Squadron and Headquarters Troop, Three hundred and sixth Cavalry.

The following is a list of references to be used in connection with the February meeting of the officers of the First Squadron, Three hundred and sixth Cavalry. This list was prepared by Capt. Geary F. Eppley, Three hundred and sixth Cavalry, who is to conduct the conference at the February meeting.

The reference marked with red pencil is the one to be looked up by you. It is expected that you will come to the meeting prepared to discuss the point or points covered in the reference checked to you.

Subject of reference.

	Reference No.
General consideration of the troop, troop formations, and echelonings of platoons. (Pars. 1, 2, and 3 of Training Regulations 425-445 and addenda.)	1
Position of troop headquarters and its individuals, and the formation of the troop. (Pars. 4 and 5.)	2
General rules for movements executed by the troop. (Par. 6.)	3
Line formations. (Pars. 7, 8, 9, 10.)	4
Column formations. (Pars. 11, 12, 13.)	5
The oblique march, march to the rear, and route order. (Pars. 14, 15, 16.)	6
Extended order and extended-order formations. (Pars. 17, 18, 19, 20.)	7
Extended order formations, continued. (Pars. 22, 23, 24, 25, 26.)	8
Mounted action. (Pars. 27, 28, 29.)	9
To dismount to fight on foot and dismounted combat. (Pars. 30, 31.)	10

All required information may be found in Training Regulations No. 425-445 and addenda thereto in the paragraphs as above numbered.

By order of Colonel H—

G. H. BAIRD, Executive Officer.

HEADQUARTERS THREE HUNDRED AND SIXTH CAVALRY,
HOWARD STREET ARMORY,
Baltimore, Md., January 22, 1924.

Subject: February meeting.

To: All officers assigned or attached, Second Squadron.

As announced in the report of the October meeting, the subject for the February meeting will be "The school of the troop." The

meeting will be conducted by Capt. William J. Yetton, Cavalry, Officers' Reserve Corps, who has announced the following list of references. It is expected that you will come to the February meeting of the Second Squadron prepared to discuss the point or points covered in the reference checked to you below:

Subject of reference (to be found in Training Regulations 425-445 and addenda).

	Reference No.
To form the troop (close order—mounted)	1
To form the troop (dismounted)	2
Positions of officers and noncommissioned officers out of ranks	3
Movements executed by the troop (extended order)	4
Mounted attack (the troop acting alone)	5
Mounted action and dismounted action	6
Supports and reserves	7
Fire and fire direction	8
Reconnaissance before combat	9
Rally	10

By order of Colonel H—

G. H. BAIRD, Executive Officer.

NOTE: The report of the October meeting gave the schedule of monthly meetings and work for the winter.

All this study and work in the office should be supplemented by practical field work, certainly not less than once every three years.

In conclusion, let me quote part of the testimony before the subcommittee of Gen. John Ross Delafield, president of the Reserve Officers' Association:

MR. ANTHONY. General Delafield, we will be glad to hear from you. General DELAFIELD. Mr. Chairman, I appreciate, and I know all of the officers here appreciate, the privilege of being able to address you. We are here from different parts of the country for the purpose of attending this hearing, and I would like at this time to introduce to you in a general way the officers who are here, just naming them. They are: Lieut. Col. James Barnes, New Jersey; Capt. Harry C. Lear, Michigan; Lieut. Col. N. E. Borden, Vermont; Lieut. Col. Jenks B. Jenkins, Maryland; Col. John S. Sewell, Alabama; Lieut. Col. Joseph C. DeVries, New York; Maj. Edward E. McKeighan, Missouri; Col. Wm. Donahue, Minnesota; Lieut. Col. A. J. Sichter-mann, Ohio; Maj. J. Ed. C. Fisher, Nebraska; Col. John Stewart, District of Columbia; Maj. R. E. B. McKenney, Pennsylvania; Lieut. Col. G. G. Reiniger, North Carolina; Brig. Gen. Roy Hoffman, Oklahoma; Lieut. Col. Phelps Newberry, Michigan; Brig. Gen. John Ross Delafield, New York; Col. Robert H. Murray, New Hampshire; Lieut. Col. Henry J. Dickinson, Tennessee; Capt. J. Monroe Stick, Maryland; and Capt. Hart G. Foster, Kentucky.

Mr. Chairman, we have come here in order to do all we can to assist your committee. For this purpose, we have come from various parts of the country, and we will be very happy if you will permit us to sit in at the hearings and listen to Colonel Dickinson's testimony, and then may I conclude with perhaps a supplemental statement?

MR. ANTHONY. All right, sir; we will be very glad to have you make that statement at that time.

General DELAFIELD. I introduced to you officers from a number of different States awhile ago and failed to add that a great many others had intended to be here, but were detained in one way or another. While I was sitting here, this telegram was just handed to me:

"Eight hundred Louisiana reserve officers wish you success in effort for strongest but least expensive component national defense system. Effectiveness demands strengthening divisional organizations and field training for 30,000 officers annually."

That is signed by Colonel Morrill. * * *

The statement I want to make is really a statement from the reserve officer's point of view. I want to tell you the story as the citizen soldier, the reserve officer, sees this whole problem. If you will be good enough to allow me to read parts of correspondence incidental to it, I will take only a short time.

As we see it, what we are here for is to do what we can to secure adequate and ample defense for our country. That is our whole object and our whole purpose. We are volunteers in that plan, ready to sacrifice part of our time and our skill and our ability for that purpose. And that is all we are here for. We expect no reward other than the privilege to serve our country in that way. We know this, that adequate national defense requires that we shall be ready on time to meet the attack of any first-class power and to repel it, and we have to be there on time; we have to be ready on time. We know from the last war that modern war has to be fought by the citizen; that modern wars are on such an immense scale that no standing army, no regular army, could ever hope to cope successfully against the enemy. For instance, in our own case, we have approximately 120,000 officers and men in the Regular Army; approximately 166,000 officers and men of the National Guard. That makes approximately 286,000 officers and men. Now, they are a drop in the bucket that do not count (in numbers) alongside of the fighting organization of any first-class power. In the last war we had 4,000,000 officers and men, and we, together with our allies, had the inconceivable number of 42,000,000 officers and men.

Mr. ANTHONY. General, does it not all depend on whether we are going to go across the water looking for first-class power to fight, or whether we are going to wait for them to come over here and attack us? In other words, it is not possible for any first-class power to bring any considerable number of men to our shores, is it?

General DELAFIELD. That is a strategic question. If we could bring that number of men to France and, while we may not think it, it may be quite possible for a first-class power to bring that number of men to our shores.

Now, the national defense act, as we see it, was framed with that very object in view, namely, to fit the country to meet these conditions. To analyze it rapidly, we see it in this way: The Regular Army itself is a body of experts. It is their business to know and to teach us all the latest implements and the greatest skill in warfare. Incidentally, they have the job of policing the Philippines, the border, and other work of that sort. They are a great body of skilled technicians for the benefit of the Nation in this scheme, as we see it. The National Guard is a section of the volunteer citizens who can give more time than the rest of us and who are ready to go in the first line along with the main elements of the Regular Army, and would be supposed to hold the enemy until the large citizens' army can go in and fight and win the war. In other words, they are preparing themselves to hold the pass of Thermopylae. That is what it amounts to.

The Organized Reserves, of course, represent the great fighting strength and mass of the Nation. At the present time they are made up of a Reserve Corps of 80,000 officers and the Enlisted Reserve Corps of somewhere about 2,300 enlisted men, I believe. It is this great body that we belong to and that we are thinking of and that we are satisfied constitutes the real fighting strength of the Nation.

Now, the object is to get this body into a condition of readiness that will enable us to do this work effectively and rapidly. With regard to the organization of the reserves under this system of the national defense act, it is worked out for the purpose of efficiency and the rapidity in getting it into the conflict. In the first place, the officers are distributed in a territorial system; that is to say, the trained officers are distributed throughout the country and placed so as to receive these drafted and enlisted men, commence training them at once, even while they live at home, and go right into it and begin mobilization and so get ready for actual conflict. Others are trained to go with the Regular Army and National Guard and to complete their units; others are trained for supply work and procurement.

* * * The reserve officers themselves as a body have given this thing a great deal of thought, as well as the individual reserve officers. It has come up at various meetings, at various times, and they have made declarations. At their convention in October, at Detroit, they passed this resolution:

"Be it further resolved, That appropriations for the support of the Army should include sufficient sums to cover the following needs: An adequate amount to cover the pay and training of at least 33 1/3 per cent of the enrolled Officers' Reserve Corps each year and all of the Enlisted Reserve Corps enrolled for the coming year; to provide adequate transportation for use of the various headquarters of reserve divisions; to permit and facilitate the organization of such divisions."

That this demand of the reserve officers themselves is entirely reasonable is so obvious as not to need much comment. If you can not get training at least once in three years, you get very rusty and your efficiency soon goes and your enthusiasm goes and the United States loses the officer. "But," it may be said, "they get their correspondence courses; their Regular Army officers at headquarters give them a certain amount of theoretical instruction and they read books." But they know, as we all of us know, that theoretical training won't make a soldier, much less a skilled officer, and won't keep him skilled. The almost universal demand for this training, for the practical actual camp training, is evidenced by the fact that last year more than 20,000 reserve officers requested this training. Only 6,000 so far have had it; about 700 or 800 more will get it before the end of the fiscal year. But over 20,000 demanded it.

Finally, gentlemen, the national defense needs a well-trained and ready reserve. We do not want war. Nobody wants war less than the trained reserve officer, who is a citizen first of all and wants to remain one. [Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. JEFFERS. Mr. Chairman, I ask recognition on the gentleman's pro forma amendment.

The CHAIRMAN. The gentleman from Alabama.

Mr. JEFFERS. Mr. Chairman, I desire, if the gentleman from Maryland will give me his attention right here, to continue along that same line and get this into the record straight. If there are about 12,000 reserve officers to be trained out of about 63,000 reserve officers who are attached to tactical arms of the service, then that means only about 20 per cent, or less

than one out of five. That means that only once out of every five years a man who holds a reserve commission can attend a training camp for 15 days. That is the net result, is it not?

Mr. HILL of Maryland. Yes.

Mr. JEFFERS. Well, that illustrates the point that we should increase the number to be trained each year just as fast as the Committee on Appropriations or this Congress can possibly accomplish it—and I think that more of them should be trained during this coming summer—we should materially increase the number to be trained each year, because only two weeks of field training in five years is not sufficient training experience to keep up the interest of the men who hold these reserve commissions.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS. Yes.

Mr. HILL of Maryland. The gentleman has had experience in the recent war, and I read with the greatest interest the gentleman's remarks when he appeared before the subcommittee, where the gentleman advocated an absolutely and essentially sound system underlying the Reserve Corps, and that is that of the 63,000 officers attached or assigned to the tactical units at least one-third of them should be trained every summer.

Mr. JEFFERS. Yes; so that each one could go to the training camp at least once every three years. We certainly should provide them at least that much opportunity to keep up.

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS. Yes.

Mr. VAILE. The reserve officer's commission only lasts five years, does it not?

Mr. HILL of Maryland. That is all.

Mr. VAILE. Then on this basis he would be trained only one summer during the period of his commission?

Mr. JEFFERS. Yes; and that is not sufficient to keep the interest up to the mark and thereby avail the Nation of this splendid material which was developed during the war. If this material can be kept available, and if we can give these reserve officers sufficient training to keep them interested and well posted in their work, it will be well worth while, and it will mean a great deal to this highly important branch of our present plan of national defense.

Mr. HOWARD of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS. Yes.

Mr. HOWARD of Nebraska. I am preparing an amendment which I think will result in that very thing which has been referred to by the gentleman from Maryland and the gentleman from Alabama.

Mr. JEFFERS. Mr. Chairman, in the moment I have remaining I wish to address myself to the members of the subcommittee who handled this bill, and I will appreciate the attention of the gentleman from Iowa [Mr. DICKINSON] while I ask him this question: What is the idea in limiting the allowance for members of the Officers' Reserve Corps when they are called into active service for training for the 15-day period to 4 cents per mile when other officers traveling to the same sort of duty get 8 cents per mile? And when this same reserve officer when called in for duty for more than 15 days would get 8 cents per mile but gets only 4 cents per mile when called in for active duty for the 15-day period of training. Why that discrimination?

Mr. VAILE. And the enlisted man gets 5 cents a mile.

Mr. DICKINSON of Iowa. The reason for that is that when the reserve officer goes to camp he has not the hotel expenses and incidental expenses of his trip that the other officer has. He is provided with a place for lodging and mess tent, and so forth.

Mr. JEFFERS. But the same reserve officer, if called to the same camp during the same summer to instruct troops, for example, for 30 days, gets the 8 cents per mile, as I understand it.

Mr. DICKINSON of Iowa. He is on an entirely different basis and is not allowed the rations and other allowances in the Army, and for that reason he must have that additional compensation.

Mr. JEFFERS. Now, Mr. Chairman, if the gentleman will allow me, just one further observation—

Mr. DICKINSON of Iowa. The 4 cents was put in by the Senate.

Mr. JEFFERS. A reserve officer goes to a summer camp for his 15-day training period. If he goes home at the end of the 15 days his traveling allowance is only 4 cents per mile; but if the same officer is kept in that camp after his 15-day training period to train other troops, he gets 8 cents per mile, and

it strikes me that they should all receive the same regular allowance of 8 cents per mile, and it should apply when one is called in for the 15-day training period just the same as when one is called in for duty for 30 days, for example. They should all be on the same basis as to this mileage allowance.

Mr. DICKINSON of Iowa. If there is any discrepancy here, it has not been called to the attention of the committee, and if it should be corrected I suggest to the gentleman that he take it before the Senate committee.

Mr. HOWARD of Nebraska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOWARD of Nebraska: Page 70, line 22, after the word "training," strike out the figures "\$1,638,600" and insert in lieu thereof "\$2,638,600."

Mr. HOWARD of Nebraska. Mr. Chairman and gentlemen of the committee, here we have an opportunity to determine among ourselves whether this Congress is a militaristic body or whether it is a body—I was just on the point of using a bad word—a body of believers in the Republic. I do not believe in a large standing Army. I voted for the amendment presented by the gentleman from Minnesota to reduce by 50 per cent our own standing Army.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. HOWARD of Nebraska. Yes.

Mr. WATKINS. Is it not a fact that \$2,638,600 is the sum the War Department estimated?

Mr. HOWARD of Nebraska. Yes; I am adding a million dollars.

Mr. WATKINS. Is that the sum the War Department wanted for this purpose? Is it not?

Mr. HOWARD of Nebraska. I do not know. I am just increasing these figures in the bill by \$1,000,000.

Mr. ANTHONY. Did the gentleman inquire what the War Department asked for?

Mr. HOWARD of Nebraska. Yes. That is what I asked about.

Mr. ANTHONY. The estimate of the War Department was \$1,087,000, and the approved estimate of the Budget was \$1,638,600.

Mr. HOWARD of Nebraska. I have asked for \$2,638,600 because, as I said, I do not believe in large standing armies. But I do believe in citizen soldiery. We can not have a citizen soldiery that may be quickly trained and brought into soldiery shape without educated Army officers. Now, we can not have enough of them out of the Regular Army, which we are to reduce pretty soon, so I am in favor of manufacturing a great many new ones by the proposal that I have offered.

Who will constitute this Officers' Reserve Corps, Mr. Chairman and gentlemen? Why, it will be very largely made up of the young and magnificent fellows who served in an official capacity during the late World War.

I am offering the amendment only for the purpose of expressing my sentiments and for the purpose of giving you an opportunity to join me if you want to. I do not desire to harass the committee in its progress with the bill. I have several amendments in line with this, but I shall not ask time to further discuss them other than to say that I believe this is the best course for those of us to pursue who are opposed to the spirit of militarism in our Republic.

Mr. McKENZIE. Will the gentleman yield?

Mr. HOWARD of Nebraska. Yes.

Mr. McKENZIE. I think we all agree on the matter of a large standing Army, but I want to call this to the attention of the gentleman from Nebraska: I am a believer in the Officers' Reserve Corps, and I have always been a staunch friend of the National Guard, but I have always had this thought in mind, that whenever we reach a point that the burden of taxation becomes noticeable then I fear the men who have been opposing the Regular Army will turn against the National Guard and the Officers' Reserve Corps because it is such a burden to the people of the country. Therefore, is it not wise to move rather slowly?

Mr. HOWARD of Nebraska. Well, I am moving rather slowly. I am asking only for a couple of million dollars here, whereas we are appropriating great sums—\$8,000,000, \$10,000,000, and \$100,000,000. I noticed a little while ago that an item went through of \$150,000 for stud horses. I do not know what earthly use our Army has for anything of that kind.

Mr. McKENZIE. I would refer the gentleman to the gentleman from Virginia [Mr. HARRISON].

Mr. HOWARD of Nebraska. I would be glad to hear from him.

The CHAIRMAN. The time of the gentleman has expired. Mr. HOWARD of Nebraska. But these fellows took up all of my time.

Mr. VAILE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Colorado is recognized.

Mr. VAILE. Mr. Chairman, I agree with the gentleman who has just spoken in regard to the necessity of an adequate Officers' Reserve Corps and in regard to the merits of the National Guard and amply adequate appropriations for both. These bodies, at least, are bodies of trained officers who will not be withdrawn from civilian life except in time of war, and, consequently, they can not furnish arguments to those who are fond of howling that any preparation for the national defense is militaristic. I am going to vote against the gentleman's amendment, however, because it seems to me the committee has done wisely to adhere to the Budget.

But I want to get out of my system a few remarks on this subject of militarism and the opposition to reasonable preparations for the national defense.

In 1920 we voted an army of 500,000. We have kept whittling that down and down, until it is now 125,000, and that is slightly more than 1 soldier to every 1,000 of population. It does not seem to me, with the thunder of cannon of the World War hardly gone from our ears, that that is an unreasonable standing Army—1 soldier to 1,000 of population.

This country has been at war one year out of six throughout its entire national history. As trustees for the welfare of the Nation, we are not entitled to assume that we shall never have another war. If war should come, we shall require an army. Now, the gentleman from Minnesota [Mr. KVALE] rose yesterday and proposed to cut our Army in half. I asked him what minimum Army he would like. He said he proposed to cut it to 62,500 now and to make a further cut as soon as there were more ladies in the House, which, he thought, would be in about four years. I hope it will be sooner than that. His assumption seemed to be that when there are more ladies in the House we would ultimately abolish the Army altogether. I have not talked with the one lady Member of the House on the subject of abolishing the Army, but I think the inference to be drawn from his remarks is a very serious and unjustified reflection on the patriotism of the women of the United States.

I well remember when I enlisted at the outbreak of the Spanish War and wired my mother I had enlisted that she sent back a telegram, "Hope your organization will not be called, but I am with you." [Applause.] And speaking of women, my great-great-grandmother ran the family pewter spoons through a bullet mold in order to help her husband establish a country which would be good enough for the parents of the gentleman from Minnesota to live in, and I expect to be one of those who are going to hand down that same kind of a country to his children, in spite of his efforts and the efforts of others similarly disposed. In other words, I believe in maintaining an army not particularly for police purposes—the States should be able to take care of that—but for the national defense.

Mr. BLANTON. Will the gentleman yield?

Mr. VAILE. I will.

Mr. BLANTON. From the literature we have been getting lately with the gentleman's picture on it, I have been rather inclined to the belief that the gentleman is now influenced by some female sentiment in the country that would be against manning the Army. [Laughter.]

Mr. VAILE. I do not think there will be any difficulty in manning the Army when the time comes. But I want some trained men in it at that time. Since the gentleman has risen, I would like to answer a question which he has been propounding to Members with a great rhetorical flourish. It came up during the debate on the enlistment of young men under 21 years of age. The gentleman several times rose and said, "Would any of you want your sons to enlist in the Army under the age of 21?"

Mr. BLANTON. In peace time.

Mr. VAILE. In peace time. And because he does not get 435 men to jump up and say they would, he thinks he has scored a great triumph.

Mr. BLANTON. I do not get any of them to do it.

Mr. VAILE. Very well; you are going to get one right now. Mr. HOWARD of Nebraska. Will the gentleman yield?

Mr. VAILE. No; I am going to answer this question in my own way. The question has been put here half a dozen times. In the first place, I want to say it is not a fair question. If the gentleman should say to the membership of the House, "Would any one of you want your son to be a hod carrier, and fail to get a response, and then say, 'That proves that the busi-

ness of a hod carrier is a dishonest business or an indecent business," it would be misleading. The reason, of course, is entirely different. It means that while the business of a hod carrier is a decent and an honorable business, the Members of this House hope that possibly their sons may follow some profession a trifle higher. It is not that that profession is not all right. Under ordinary circumstances I would not want my son to enlist in the Army in time of peace, but it is not because the Army is not a splendid training school. I believe it is. I have been in the Army myself.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VAILE. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WATKINS. Mr. Chairman, I want to submit to the House an observation or two in support of the amendment of the gentleman from Nebraska, and in doing so submit the estimate submitted by the Budget.

The CHAIRMAN. The gentleman from Colorado has asked to proceed for five additional minutes.

Mr. WATKINS. Pardon me; I did not understand that.

Mr. VAILE. Now, I have not a son 18 years old. The gentleman from Texas [Mr. BLANTON] will claim that as a great triumph. If he does not find every man in the House here with a son of precisely that age, he immediately thinks he has scored a great triumph.

Mr. BLANTON. No; I did not expect the gentleman to have one.

Mr. VAILE. I have a son who will be 18 in 12 years.

Mr. HOWARD of Nebraska. Will the gentleman yield at this time?

Mr. VAILE. No; I will not yield at this time if the gentleman will excuse me. The gentleman will have plenty of opportunity to answer me later.

Now, I would rather that my son would not be in the Navy or in the Army at 18, but it is not because I do not regard the Army or the Navy as a splendid place. It is because I hope he can do something perhaps a little—well, I will say more lucrative. I do not believe I care to have him be a Member of Congress, because I want him to do something that will enable him to support his family. [Laughter.] If he could be a doctor or a lawyer or even an editor, it might be a little better for him than if he was in the Regular Army.

Mr. BLANTON. If the gentleman will permit, I might suggest being a plasterer, because they are now getting \$14 a day for six days and only working five days.

Mr. VAILE. That is an excellent suggestion. I think I will convey that to my boy when he gets that age. Probably plasterers' wages will then be still higher. [Laughter.]

Mr. O'CONNELL of New York. Will the gentleman yield? The gentleman from Texas has a couple of sons. I wonder if he would want to make plasterers of them. [Laughter.]

Mr. VAILE. Now, gentlemen, let me make this additional statement. I was in the Army as a private in time of war, but I never saw action and I never smelled enemy powder. So I suppose that my experience is fairly comparable with that of a man in an Army cantonment in time of peace.

I want to say that while the boys in my organization, my fellow privates and noncommissioned officers, were not saints, they were mighty decent young fellows. I was an officer in time of peace, but under mobilization conditions, on the Mexican border, and the men in my organization I would put up against any group of men of similar numbers and similar general social conditions anywhere in the United States. I have been commander of a post of Spanish-American War veterans, mainly composed of ex-Regulars, and I would put those men, for decency and sobriety and general goodness and merit, up against any group of equal numbers anywhere, and I would not except the church of the gentleman from Minnesota. [Applause.] I have helped those men find employment, and I know that employers are glad to have them, because the Regular Army teaches discipline and fidelity to duty and habits of promptness and accuracy and honor. I must say I thoroughly resent the spirit which seems to be growing in the discussions on this subject that the Army is an army of ruffians or blackguards or drunkards or libertines, and I am reminded of Kipling's—

We ain't no thin red heroes,
And we ain't no blackguards, too;
But single men in barracks,
Most remarkably like you.

Like all of you, gentlemen.

Mr. HOWARD of Nebraska. Will the gentleman yield now?

Mr. VAILE. Yes.

Mr. HOWARD of Nebraska. Did the gentleman know that the gentleman from Minnesota is now absent?

Mr. VAILE. Well, I have not attacked the gentleman from Minnesota very severely.

Mr. HOWARD of Nebraska. Have not attacked him? If you had attacked me in the way you did him, I apprehend our positions would not be the same as they are at this moment. [Laughter.]

Mr. VAILE. The gentleman will have an opportunity to reply.

Mr. HOWARD of Nebraska. You deliberately stated that the gentleman from Minnesota was practically trying to ruin this country of yours and mine.

Mr. VAILE. I stated that the gentleman from Minnesota was trying to cut our Army in half, and I insist that the effect of that would be to ruin this country of yours and mine.

Mr. HOWARD of Nebraska. Ah, but that is not the way you put it in reference to the matter. He is not here now and he is a mild-mannered man, and so am I.

Mr. VAILE. And so am I.

Mr. HOWARD of Nebraska. But before we go any further it does seem to me that while you are resenting the action with reference to men who are decrying the Army—I do not know who they are, I have not heard anybody here decrying the Army—I have heard a lot of my militaristic mad friends defending the Army from some fancied insults, and yet I have never heard the insults on the floor.

Mr. VAILE. I did not yield for a speech. If the gentleman had kept his ears open he would have heard it.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. HOWARD of Nebraska. Mr. Chairman, I move to strike out something. [Applause.]

Mr. VAILE. Make it the Army. That will be in accordance with the gentleman's position.

Mr. HILL of Maryland. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Nebraska is recognized for five minutes.

Mr. HOWARD of Nebraska. Mr. Chairman and gentleman, I am forced to make a comparison between the mild-mannered brother from Minnesota who is not here to defend himself and the gentleman from Colorado.

I go at it with a good deal of trembling, and yet I apprehend if the gentleman from Minnesota was here this afternoon he would look over his record in a legislative way and then examine closely the legislative record of the brother who has denounced him, and he might say this: "My brother, I think there may be a striking difference between you and me in our legislative ideals, but after all," in the language of Jim Gliberson, the horse trader, he would say, "if there is a difference between us it is about the same." [Laughter.] And then he would say, "As I see the difference, I am the advocate of a reduction of the standing Army of my country, whereas the only reduction I have ever known the gentleman from Colorado to advocate was a reduction in the population generally." [Laughter.]

Mr. HILL of Maryland. Mr. Chairman, I offer a substitute for the amendment of the gentleman from Nebraska.

Mr. DICKINSON of Iowa. Mr. Chairman, I make the point of order that there is an amendment pending and a pro forma amendment to that amendment.

The CHAIRMAN. All debate is exhausted. Without objection, the pro forma amendment is withdrawn and the question is on the amendment offered by the gentleman from Nebraska.

Mr. HILL of Maryland. Mr. Chairman, I offer a substitute for the amendment of the gentleman from Nebraska.

The Clerk read as follows:

Amendment offered as a substitute for the amendment of Mr. HOWARD of Nebraska: Page 70, line 22, after the word "training," strike out the figures "\$1,638,600" and insert in lieu thereof the following: "\$1,837,936."

Mr. HILL of Maryland. Mr. Chairman, I entirely agree with the amendment offered by the gentleman from Nebraska [Mr. HOWARD], and it is a further move in the right direction. That amendment is intended to obtain a closer approximation of the training in the coming fiscal year for the 15-day period of a part of the 63,000 out of the 80,000 reserve officers attached to the technical unit. I only offer a substitute because I think we have a greater chance of having it adopted, since it is based on the War Department's estimate. The substitute I offer is based on the figures of the War Department in their original request for 14,151 officers to be trained during the coming summer instead of 12,615 officers as planned by the present

bill. I am for training 21,000, but I wish to call attention to the fact that this cut from 14,000 to 12,000 was not made by the Subcommittee of the Appropriations Committee. It was made by the Budget. I would be glad to yield to the gentleman from Nebraska.

Mr. HOWARD of Nebraska. I do not want to ask a question, but I will make a statement. I am entirely satisfied with the figures presented by the gentleman from Maryland. I simply introduced my amendment as an expression of my sentiment. If I can get it started upward, even for only a dollar, toward the training of these officers, I shall have accomplished something in the line of my principle which calls for the training of officers, where we have such a large standing army. If I had the privilege I would accept the amendment of the gentleman from Maryland.

The CHAIRMAN. The gentleman can withdraw his amendment by unanimous consent.

Mr. HOWARD of Nebraska. I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL of Maryland. I would like to see 21,000 officers trained, and, as I said before, I think it is necessary. I hope you will adopt the increase called for by the proposed amendment. Now, Mr. Chairman, I offer my amendment.

The Clerk again reported the amendment.

Mr. WATKINS. Mr. Chairman, in support of the amendment I want to submit this observation to the committee. I believe that it was during the World War wherein it was disclosed that 26 per cent of the young men of this country were defective physically and unfit for military service. That was largely due to lack of physical development. It seems to me that one of the best investments the Government can make is to train young men of this country physically so that they can make better citizens, and consequently, if war comes, better soldiers. The War Department asked for \$3,632,777.87 more than the committee has recommended. Not only that, but the appropriation bill for the fiscal year of 1924 carried \$16,224,267.87 more than this one. It seems to me, therefore, in view of the results that we have had from the Reserve Officers' Training Corps throughout the United States, that we can certainly insert here and now the sum that the War Department has recommended by adopting the amendment offered by the gentleman from Maryland [Mr. HILL]. I hope the committee will adopt the amendment.

Mr. CONNERY. Will the gentleman yield?

Mr. WATKINS. Yes.

Mr. CONNERY. Does the gentleman think that the amendment offered by the gentleman from Nebraska [Mr. Howard] was the better one if we could get it through?

Mr. WATKINS. I heartily approve of the Howard amendment, but I thought that the committee would vote it down for there are no estimates to support it; on the contrary, there are figures to support the amendment of the gentleman from Maryland [Mr. HILL]. I believe that the records of the late war furnish figures warranting the amendment of the gentleman from Nebraska [Mr. Howard] and I would prefer that; but as a practical man, when I can not get what I want, I take the next best thing.

Mr. CONNERY. I wish to state to the gentleman that I am heartily in favor of the amendment of the gentleman from Nebraska.

Mr. ANTHONY. Mr. Chairman, I fear that the gentleman from Oregon [Mr. WATKINS] in making the statement that this bill carries \$16,000,000 less than the current year, sought to convey the idea that there was \$16,000,000 less in it for military purposes.

Mr. WATKINS. No; I quoted the figures here—\$3,632,000. I think that is true, is it not?

Mr. ANTHONY. It is not true.

Mr. WATKINS. Is it not less than the War Department asked for?

Mr. ANTHONY. While the bill carried \$16,000,000 less in the total, it carries over \$3,000,000 more for military purposes, and practically all of the training items in which the gentleman is interested have been very largely increased over the amounts carried for the current year.

Mr. WATKINS. On page 19 of the report, last column, it states that the Budget recommended \$3,000,000 more, as I read it, than the committee has given. That is, there is a minus sign in front of the \$3,000,000. I think that this bill carries \$3,000,000 less than the Budget asked for. I may be wrong in my diagnosis of the figures, but that is the way I interpret them.

Mr. ANTHONY. The gentleman was discussing the figure for the current year.

Mr. WATKINS. Yes.

Mr. ANTHONY. But the situation is as I tell him, that for purely military purposes this bill carries \$3,000,000 more for the next fiscal year than was carried for the current year.

Mr. WATKINS. How much more or less does this bill carry for the Reserve Officers' Training Corps and that work than last year?

Mr. ANTHONY. It carries a little over \$1,000,000 more.

Mr. WATKINS. And how much more or less does it carry than the War Department wanted?

Mr. ANTHONY. Only \$50,000 less than the Budget estimate, which is the figure that the War Department wants. The gentleman must know that in making up appropriations there are all kinds of estimates that are originally made in reference to the appropriations. A committee of the General Staff may make up one estimate.

The officer in charge of the division will make up another. They are all boiled down before they finally come to the Bureau of the Budget, and it can safely be said that the figure which comes to the committee from the Bureau of the Budget represents the amount which is asked for by the War Department, because the Budget itself, which makes up these estimates, is composed entirely of military officers.

Mr. WATKINS. I understood that the War Department asked for \$1,837,000 for this work?

Mr. ANTHONY. That was their original figure; yes.

Mr. WATKINS. So that that would be nearly \$200,000 more instead of \$50,000. I understood the gentleman to say \$50,000 less?

Mr. ANTHONY. The gentleman is discussing one of the preliminary estimates of the War Department. Of course it is impossible to satisfy all of the interests that are concerned in appropriations of this kind. The Reserve Officers' Association, which made probably the first recommendation to the War Department, wanted \$6,000,000 for this purpose. The War Department itself defended the appropriations before the committee that are asked for by the Budget, and which we have given, except one which was shaved \$50,000.

Mr. WATKINS. Does not the gentleman think that it would be a good investment from the standpoint of citizenship and future soldiers for us to increase this sum?

Mr. ANTHONY. I feel sure that the gentleman wants the money that is appropriated for the training of these reserve officers profitably expended.

Mr. WATKINS. I do.

Mr. ANTHONY. I think there is a limit to which we can go in the number of reserve officers that we can profitably train. We could order up the full number if Congress saw fit to appropriate the money, but all that we could do with them would be to crowd them into camps and give them a series of lectures by Regular Army officers. It would be impossible to handle them in a way in which the training would do them any good, in my opinion. I think that we ought to approach this matter gradually. We are increasing the appropriation 100 per cent each year, and I think we ought to approach it gradually so that the training which we give these men may be efficient. If Congress overdoes it by appropriating too much money, it would simply mean that the Army would not be able to digest the men that we would have on hand.

Mr. WATKINS. The gentleman would say, then, that the War Department was wrong in asking for more than the committee has given?

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. WATKINS. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Kansas be extended for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANTHONY. I would not say that the War Department was wrong, but, as I explained before, all of the original estimates that concern every item in this bill vary from the estimate that finally comes to us from the Budget.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BLANTON. Does the gentleman's experience not convince him that these bureau chiefs have learned to ask of the committee much more than they really need on most all occasions?

Mr. ANTHONY. I think always that the bureau chief asks originally for more than he hopes to get.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HILL of Alabama. What was the reason that actuated the committee in cutting down the Budget estimate \$50,000?

Mr. ANTHONY. That was the estimate for divisional and regimental headquarters. For the current year that expenditure was limited to \$60,000. This year it is limited to \$100,000, so that the bill carries an increase of \$40,000, practically 80 per cent of the appropriation.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. HARRISON. Mr. Chairman, as a member of the subcommittee I am very much in favor of the proposition to increase the appropriation for this purpose. [Applause.] I think that appropriations ought always to be sufficient to effectuate the purpose for which the appropriations are made. Making an appropriation that would simply give these reserve officers training 15 days in five years is so insufficient that it seems to me we had better save our money and not make any appropriation at all.

Mr. BOYCE. Will the gentleman yield for a question?

Mr. HARRISON. I will.

Mr. BOYCE. Will the gentleman please inform the members of the committee how we are to meet the overwhelming nationwide demand for economy and go on continuing the appropriations beyond the Budget?

Mr. HARRISON. I would cut out appropriations for a great many of these overhead expenses.

Mr. WATKINS. If the gentleman will permit, if the gentleman from Delaware was here the other day he had a chance to have us do that by cutting out these exorbitant, outrageous prices paid to auctioneers—

Mr. BOYCE. I voted to assist in that.

Mr. WATKINS. In some instances it is penny wise and pound foolish.

Mr. ANTHONY. These fees do not come out of the Army appropriation, they do not figure in this appropriation at all.

Mr. HARRISON. As the gentleman from Delaware has said, we are all desirous of economy, but how is it economy to make an appropriation that does not accomplish the object of the appropriation. If the object is worthy, the appropriation should be adequate; if not, none should be made.

Mr. DICKINSON of Iowa. Would the gentleman contend it was economy if the Army officers tell us that they are not in a position to expend this money to aid in the training of officers?

Mr. HARRISON. I do not see why the officers can not aid in such training. The amendment is what the War Department asked.

Mr. DICKINSON of Iowa. They told the gentleman why; the hearings will tell the gentleman why.

Mr. HARRISON. I think officers of the Army can always find excuse for not doing what they do not want to do? [Applause.] Just one more word and I will close. It does seem to me that if we are going to economize on this proposition we ought to strike out the appropriation altogether, because I do not believe an appropriation to train men for 15 days in five years amounts to anything. It is keeping the word of promise to the ear but breaking it to the hope. If we are going to do something along this training business we ought to appropriate enough money to see that it amounts to something.

Mr. BLANTON. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. BLANTON. Will the gentleman explain the \$150,000 item to which the gentleman from Nebraska called attention?

Mr. HARRISON. The gentleman means the remount station. I can simply say the remount station has been of the greatest benefit in the Army appropriation bill for the last 20 years.

Mr. MADDEN. Mr. Chairman, I am in favor of having an Army as efficient as it is possible to have it. I am also in favor of decent economy in Government expenditures. We are charged with a great responsibility here. Everybody is overloaded with taxes. Everybody all over the United States is demanding greater economy and a reduction of taxes, and yet everybody is demanding increased appropriations at the same time. Now you can not do all these things everybody wants. You can not please them, but what we ought to do is to see that no money is squandered. We have \$100,000 in this item. It was \$60,000 for the current year. Nobody has complained it was not adequate. Nobody can claim that \$100,000 is not enough. Now why should we increase that to \$200,000 or any other sum. I hope the House will help the committee do what obviously ought to be done, to give a decent appropriation commensurate with the finances of the country. That

is what we are trying to do; we are not trying to skimp where expenditure is needed. We are not trying to expend where expenditure is unnecessary. If there is any place in the category of expenditures where we can afford to economize this is the item and we ought to economize on this item.

Mr. JEFFERS. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. JEFFERS. The gentleman mentioned the fact that last year for this purpose we had \$60,000.

Mr. MADDEN. This year.

Mr. JEFFERS. This year, and the bill provides for \$100,000, and we are trying to increase it to \$200,000.

Mr. MADDEN. That is what I understand.

Mr. JEFFERS. I believe the gentleman is talking about another item. We are not yet on that proposition.

Mr. ANTHONY. The gentleman, I think, is referring to the item of divisional and regimental headquarters, which I discussed with him.

Mr. MADDEN. This other item ought not to be increased. All the money that ought to be expended for the training of reserve officers is in the bill. I hope, whatever amendment may be pending, it will not prevail. [Laughter and applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. HILL].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded by the gentleman from Iowa.

The committee divided; and there were—ayes 31, noes 37.

Mr. JEFFERS. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Tellers are demanded. Those who favor the taking of this vote by tellers will rise and stand until they are counted. [After counting.] Only 18 gentlemen have arisen—not a sufficient number. Tellers are denied.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Nebraska [Mr. HOWARD].

The Clerk read as follows:

Amendment offered by Mr. HOWARD of Nebraska: Page 70, line 25, after the word "law," strike out the figures "\$400,666" and insert, in lieu thereof, the following: "\$800,466."

Mr. HOWARD of Nebraska. Mr. Chairman, the substitute of the gentleman from Maryland to that amendment of mine was lost, was it not?

The CHAIRMAN. It was.

Mr. HOWARD of Nebraska. I do not want to embarrass the committee. I withdraw all these amendments. I have put the principle before the House, and it has been rejected.

The CHAIRMAN. The amendment offered by the gentleman from Nebraska is withdrawn, and the Clerk will read.

The Clerk read as follows:

NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE.

QUARTERMASTER SUPPLIES AND SERVICES FOR RIFLE RANGES FOR CIVILIAN INSTRUCTIONS.

To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War; for the employment of labor in connection with the establishment of outdoor and indoor rifle ranges, including labor in operating targets; for the employment of instructors; for clerical services; for badges and other insignia; for the transportation of employees, instructors, and civilians to engage in practice; for the purchase of materials, supplies, and services; and for expenses incidental to instruction of citizens of the United States in marksmanship and their participation in national and international matches, to be expended under the direction of the Secretary of War and to remain available until expended, \$89,900: *Provided*, That out of this appropriation there may be expended not to exceed \$80,000 for the payment of transportation, for supplying meals, or furnishing commutation of subsistence of civilian rifle teams authorized by the Secretary of War to participate in the national matches.

Mr. BLANTON. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. JOHNSON of Kentucky rose.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. BLANTON. The gentleman will excuse me.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order on the paragraph for the reason that it contains a number of items which are legislative in their character and are not authorized on an appropriation bill.

The CHAIRMAN. Does the gentleman from Kentucky wish to indicate to the Chair the point?

Mr. JOHNSON of Kentucky. Yes. I was going to do that, Mr. Chairman.

Mr. ANTHONY. When the gentleman has finished his points I would like to have a minute.

Mr. JOHNSON of Kentucky. Mr. Chairman, have you the national defense act before you?

The CHAIRMAN. Yes; I have the national defense act before me.

Mr. JOHNSON of Kentucky. I invite your attention to section 113.

Now, then, Mr. Chairman, I wish the Chair to read section 113 for the purpose of seeing what is authorized, and then read page 78 of the bill and see what is undertaken to be given under the bill.

In the first place the act provides for shooting galleries and other places for target practice which have been established or may hereafter be established with funds provided in whole or in part by Congress. The bill, on page 78, provides for shooting galleries and places of practice regardless of how they are established.

Under the bill funds may be expended for operating shooting galleries and places for rifle practice, no matter when or by whom established. The law limits the funds to be expended only to those that have been established in whole or in part under provisions heretofore provided by Congress. In addition to that, the bill authorizes rules and regulations to be prescribed by the National Board for Promotion of Rifle Practice. There is nothing of that kind authorized in the act.

The CHAIRMAN. What interpretation does the gentleman give to that phrase "under reasonable regulations to be prescribed by the controlling authority and approved by the Secretary of War"?

Mr. JOHNSON of Kentucky. The controlling authority is not to be determined by the draftsmen of this bill by writing the name of a particular organization in it. If that name can be written into the bill the name of any other organization may just as appropriately be written in. They must confine their language to that of the act. Again, the bill carries an appropriation of \$89,000 with which to do certain things; and, under that language, they can buy guns and ammunition, whereas the act itself provides that the Secretary of War shall be authorized to provide for the issue of a reasonable number of standard military rifles and such quantities of ammunition as may be available for use in conducting such practice.

Then, in addition to that, provision is made for the payment of the transportation of persons to international matches. In addition to that, it is provided that this money may remain available until expended. Then there is a proviso which says:

That out of this appropriation there may be expended not to exceed \$80,000 for the payment of transportation, for supplying meals, or furnishing commutation of subsistence of civilian rifle teams authorized by the Secretary of War to participate in the national matches.

That is a negative way of permitting an expense which the law does not authorize.

Those are several of the items to which I raise the point of order.

The CHAIRMAN. Does the gentleman from Kansas wish to be heard on the point of order?

Mr. ANTHONY. Yes. Mr. Chairman, I think the language of the national defense act, the section just quoted by the gentleman from Kentucky, gives the widest possible authority for the encouragement of national rifle practice, and the language there is:

Under reasonable regulations to be prescribed by the controlling authorities and approved by the Secretary of War.

Now, the controlling authorities are the National Board for the Promotion of Rifle Practice, and the Secretary of War approves their recommendations.

I also want to call the Chair's attention to the fact that the proviso in this paragraph authorizing the expenditure of—

Not to exceed \$80,000 for the payment of transportation, for supplying meals, or furnishing commutation of subsistence of civilian rifle teams authorized by the Secretary of War to participate in the national matches—

Has been held in order previously, and the ruling can be found on page 2615 of the CONGRESSIONAL RECORD, third session of the Sixty-sixth Congress.

The CHAIRMAN. The Chair is not so much bothered about the proviso as about certain other provisions.

Mr. BLANTON. Mr. Chairman, there is no question whatever but what the feature pertaining to international rifle matches is subject to the point of order. That is legislation. We have never authorized the War Department or any controlling authority to send rifle teams—wholly disconnected from the War Department in instances—across the water to European rifle matches. That is carrying the matter entirely too far. When we want to compete with them we will do it on the battle field and not at these friendly rifle matches.

Mr. JOHNSON of Kentucky. Mr. Chairman, I want to invite the Chair's attention to some other matters. This bill provides for the employment of clerical services. The Book of Estimates has been transmitted by the War Department to the Speaker of this House and is now officially before the House. That Book of Estimates shows that they intend to expend a part of this money for the purpose of employing 18 clerks, and the Chair must take official notice of unauthorized appropriations.

Then, Mr. Chairman, again, in this bill there is a provision for the purchase of badges and other insignia. That language is to be found at line 12.

This section is so full of unauthorized stuff that one can just keep on mentioning item after item; but there are several provisions which stand out glaringly.

There is the provision making the funds available until expended; there is the provision for buying badges and insignia and for employing clerks. Under it they can buy guns and ammunition, when the law provides, under section 113, that the Secretary of War shall be authorized to provide for "the issue of a reasonable number of standard military rifles and such quantities of ammunition as may be available for use in conducting such rifle practice." Such as is available. That is the only legal provision by which to get ammunition; and last year, acting under that authority, the Secretary of War issued to this shooting-match concern approximately a quarter of a million dollars' worth of ammunition.

The CHAIRMAN. The Chair calls the attention of the gentleman from Kentucky to the first part of section 113 of the national defense act:

The Secretary of War shall annually submit to Congress recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges, under such a comprehensive plan as will ultimately result in providing adequate facilities for rifle practice in all sections of the country.

Mr. JOHNSON of Kentucky. Now, read the next sentence. The CHAIRMAN (reading)—

And that all ranges so established and all ranges which may have already been constructed, in whole or in part, with funds provided by Congress shall be open for use by those in any branch of the military or naval service of the United States and by all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the controlling authorities and approved by the Secretary of War.

Mr. JOHNSON of Kentucky. Now then, Mr. Chairman, the next clause in this bill provides for the purchase of badges, and last year that was stricken out on a point of order; but this year they have not only placed that item in this section of the bill but they have placed it in the next one also. There are a half dozen things making it subject to the point of order.

The CHAIRMAN. Will the gentleman from Kansas give heed? Of the many points called to the attention of the Chair by the gentleman from Kentucky [Mr. JOHNSON], I do not know that the Chair can find anything in this section of the act that authorizes the item "for the employment of instructors." The Chair is not able to find at this moment authorization for the purchase of badges and other insignia or for participation in international rifle matches.

Mr. JOHNSON of Kentucky. If the Chair will pardon an interruption there, and I know the gentleman from Kansas will indulge me, in reference to instructors, provision is made for that without pay as the original act provides that "the President is authorized to detail capable officers and noncommissioned officers of the Regular Army and National Guard to such ranges as instructors," yet the bill proposes to pay for instructors.

The CHAIRMAN. Of course, if authorized to employ instructors outside, it does not matter that another provision provides for other instructors to be detailed from the Army itself.

Mr. JOHNSON of Kentucky. Yes; but I do not find any provision authorizing it.

The CHAIRMAN. That is what the Chair was asking for. Is the gentleman from Kansas [Mr. ANTHONY] able to supply the authorization for the three items mentioned by the Chair,

the instructors, badges, and other insignia, and for participation in international matches?

Mr. ANTHONY. If the Chair will permit, I think under the broad language, encouragement of rifle matches, there is authority in that paragraph for the widest range of activities in connection with such work. It is about as broad a paragraph conveying authority as I have ever seen in an act.

Mr. JOHNSON of Kentucky. And, under that mistaken belief, nearly everything imaginable has been written into the paragraph, most of it unauthorized.

Mr. GARNER of Texas. Mr. Chairman, may I suggest to the gentleman from Kansas and the gentleman from Kentucky that if we would rise now, the matter could be settled by the time we meet to-morrow morning?

The CHAIRMAN. The Chair would like to have some more information about the law.

Mr. GARNER of Texas. I saw the Chair was in great trouble and I thought I would suggest a remedy.

The CHAIRMAN. The Chair is endeavoring to find out what the law is and to find out what is authorized and what is not.

Mr. HOWARD of Nebraska. Mr. Chairman—

The CHAIRMAN. Will the gentleman withhold his request just a moment until the Chair straightens out this matter?

Mr. ANTHONY. Mr. Chairman, I think the suggestion of the gentleman from Texas [Mr. GARNER] is a good one, that the committee rise at this time and resume this matter in the morning. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. MADDEN having taken the chair as Speaker pro tempore, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 7877, the War Department appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WELLER, for five days, on account of important business.

WAR DEPARTMENT APPROPRIATION BILL.

Mr. TILMAN. Mr. Speaker, at the request of many constituents I have introduced two bills of interest and importance, two separate bills for substantial appropriations out of the Federal Treasury to permanently recognize two parks, one at the battle field of Pea Ridge, the other at Prairie Grove, Ark. These were two of the most important battles west of the Mississippi, and while the Government has expended many millions on other battle fields and parks, it has done nothing for these places.

The battle of Prairie Grove was fought on December 7, 1862, between the Confederates under General Hindman and the Federals under Generals F. J. Herron and J. G. Blunt. Early on the day of battle Hindman with 11,000 men moved against Herron; the Confederate cavalry first had the advantage, gallantly driving the Union forces. Herron's entire force then came up, and Blunt hastened to Herron's aid. The Federals were superior in numbers and equipment. The battle lasted the greater part of the day. The Confederates fought bravely, as they always did, but finally retreated. The losses on both sides exceeded 2,400.

On March 6-8, 1862, the severe and bloody Battle of Pea Ridge or Elk Horn Tavern was fought, Gen. S. R. Curtis commanding the Union forces and Gen. Earl Van Dorn commanding the Confederates. The casualties on both sides were heavy. I had relatives on the side of the South in both battles, and personally knew many of the brave men and officers participating in these bloody encounters. They fought well and came home after the war and honored themselves and their country in peace as they had in war.

I believe this great Government should recognize the brave men who fought on either side in these great battles by building a suitable monument, say a statue of Peace, or some appropriate memorial, and should permanently improve, beautify, enlarge if desirable, acquire more acreage, and establish and help by annual appropriations to keep in repair and care for these parks as the Government is doing in many other places.

I have asked that the proposed park at Pea Ridge be named the Peel National Park, for Col. Samuel W. Peel, once a member of this House from the third district and chairman of the Committee on Indian Affairs. He is now spending the evening of his long and useful life at Bentonville, not far from this historic battle field, is over 92 years of age, and is deservedly the best-loved man in the district. He has traveled the long, long trail without discredit; he has played the great game of life with courage and fidelity.

His life has been gentle, and the elements
So mixed in him that Nature might stand up
And say to all the world: "This is a man."

Colonel Peel has always given his best for his family, for his friends, and the public good, and I desire in this way and by these poor words while he is yet living to pay this chivalrous and faithful son of my district the compliment proposed in the bill to establish and maintain this park in his honor.

CORRECTING THE RECORD.

Mr. JOHNSON of Kentucky. Mr. Speaker, several hours ago I brought to the attention of Mr. Speaker GILLET the fact that in the CONGRESSIONAL RECORD containing the debates of yesterday a part of the RECORD had been materially changed from the way in which it was actually spoken. I refer to the remarks of the gentleman from New York [Mr. LAGUARDIA]. An hour or two ago I told him that when the Committee of the Whole House on the state of the Union rose, and we had gotten into the House, I would invite the attention of the Chair to his remarks for the purpose of having them comply with the stenographer's notes; in other words, just as the gentleman had spoken them. I do not wish to quibble about small matters, grammatical errors, if any may have occurred, or the smoothing out of sentences. I propose to overlook those; but there are two or three matters, and one in particular, which materially changes the substance of what was said, and I invite the attention of the Chair to that, for the purpose of having it corrected. I have the remarks of the gentleman before me.

The SPEAKER pro tempore. I think, under the rules, if I may state to the gentleman from Kentucky—

Mr. TILSON. Mr. Speaker, would the gentleman be willing to let this go over until the gentleman from New York is present?

Mr. JOHNSON of Kentucky. I stated to the Chair a moment ago—

Mr. TILSON. The gentleman from New York is now here.

The SPEAKER pro tempore. I was going to say to the gentleman from Kentucky that under the rules motions to strike out and correct the RECORD usually come after the reading of the Journal in the morning.

Mr. LAGUARDIA. Let us dispose of it now, the matter is so trivial.

Mr. JOHNSON of Kentucky. Mr. Speaker, I have here the reporter's copy of the gentleman's remarks, and inasmuch as I have never participated in anything of this kind, I ask guidance of the Chair as to how it is to be done.

The SPEAKER pro tempore. The manual says:

A motion or resolution for the correction of the RECORD may be made properly after the reading and approval of the Journal, and is not in order pending the approval of the Journal but is privileged after that.

Mr. JOHNSON of Kentucky. There are many corrections in this report that are all right, but some which the gentleman has made are not. I made a request of him yesterday not to change the record in one particular matter, and I regret to say that he did not comply with that request, and I ask that the matter be corrected.

The SPEAKER pro tempore. What is the request of the gentleman from Kentucky?

Mr. JOHNSON of Kentucky. On page 426 of the Reporter's copy it reads as follows:

Colonel Hunt may have been guilty of bad judgment. It was pointed out here that he permitted this prisoner to go without handcuffs, but all gentlemen know that if Colonel Hunt or any other Army officer would put handcuffs on a prisoner, there would be 20 or 30 gentlemen on the floor of this House protesting against the brutality of that officer.

That has been changed to read:

Colonel Hunt may have exercised bad judgment. It was pointed out here that he permitted this prisoner to go without handcuffs, but all gentlemen know that if Colonel Hunt or any other Army officer would put handcuffs on a prisoner "while on a train or traveling," there would be 20 or 30 gentlemen on the floor of this House protesting against the brutality of that officer.

On page 427 of the reporter's notes the gentleman from New York is reported as having stated:

After 30 years of service I think it is not fair, it is unjust, to brand an officer as a traitor because he was guilty of using bad judgment in a case with which he had no personal contact.

That has been changed to read as follows:

After 30 years of service I think it is not fair, it is unjust, to brand an officer as a traitor because he was guilty of using bad judgment, and in the actual desertion he had no personal contact with the prisoner at the time.

Mr. Speaker, I care nothing whatever about the other interlineations; I think the gentleman was entirely pardonable in making them. But I do ask that a correction be made as to these items I have referred to. I make the motion.

The SPEAKER pro tempore. The gentleman from Kentucky moves to strike out the interlineations referred to in the reporter's copy which he has just read.

Mr. LONGWORTH. A parliamentary inquiry, Mr. Speaker. The SPEAKER pro tempore. The gentleman will state it.

Mr. LONGWORTH. Has the gentleman from Kentucky a right to inspect the manuscript of another's remarks where those remarks have not cast any reflection on the gentleman himself in any way? The rule in the Manual, section 903, at the bottom of the page, says:

A Member is not entitled to inspect the reporter's notes of remarks which do not contain reflections on himself delivered by another Member and withheld for revision.

Mr. BYRNS of Tennessee. Mr. Speaker, this has been done many times.

Mr. JOHNSON of Kentucky. If the gentleman from Ohio [Mr. LONGWORTH] will pardon me, I say that these remarks were not held for revision, because the gentleman did not have leave to revise.

Mr. LAGUARDIA. But the remarks of Members are always revised.

Mr. GARNER of Texas. Mr. Speaker, this is a question of the integrity of the proceedings of the House. As I understand it, if a gentleman has a right to revise and extend his remarks, then another gentleman can not have that copy of the stenographer's notes, because then he has a right to take them all out and put in new entirely, but this is a question of where the revision has been made without the permission of the House or of the committee, according to my understanding.

Mr. TILSON. Does the gentleman understand that a Member has no right to revise his remarks where he does not change the substance and without adding new material, that he has no right to revise the remarks without the special permission of the House?

Mr. GARNER of Texas. I do not know what the rules provide; of course, the custom is to go ahead and revise your remarks where you do not change the substance of your statement. What the rules provide I do not know.

Mr. JOHNSON of Kentucky. But the substance is changed here.

Mr. GARNER of Texas. The gentleman from Kentucky [Mr. JOHNSON] says that the substance of what the gentleman from New York [Mr. LAGUARDIA] said has been changed entirely.

Mr. LAGUARDIA. Oh, that statement is absolutely untrue, and I will submit the stenographer's notes as to whether the substance has been changed.

Mr. GARNER of Texas. I would not have any quarrel with the gentleman as to whether a statement made by the gentleman from Kentucky is true or untrue, because the gentleman from Kentucky can take care of himself in that respect.

Mr. LONGWORTH. I think that would be true if the substance was changed in a way which would put another Member who would ask a question, perhaps, in a false light, but where it is merely a change of two or three words, perhaps, to add or detract from the force of the general statement, where it does not reflect in any way upon another Member, or change the purport of the debate, then the Member, as I understand it, has not overstepped the limits of revision.

Mr. JOHNSON of Kentucky. But the gentleman from Ohio [Mr. LONGWORTH] must remember that over my protest in conversation with the gentleman from New York before this change was made, and without his having leave to revise, he has qualified his statement for the purpose of making it as harmless as possible, when he had made a very broad statement.

Mr. LAGUARDIA. Mr. Speaker, may I be heard upon this? I think I am somewhat concerned in it. The gentleman from Kentucky just stated that I made a change in revision to soften the statement I made originally. I say that I have done nothing of the kind, and the gentleman knows that. I did not do anything of the kind. I added those three words there, and I told the gentleman this morning that I did it. I walked over to the desk and told him that I did it.

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Of course I yield.

Mr. JOHNSON of Kentucky. The gentleman says that he walked over and told me about it. At that time I had not seen this RECORD, and my suspicions were aroused by the gentleman's having said what he did. I then sent down and got the original manuscript, and after I saw that he had materially changed it, then I went to him and spoke to him about it and asked that he be here at this time for the reason that I was going to make this motion.

Mr. LAGUARDIA. Mr. Speaker, I leave it to my colleagues whether I have materially changed the Reporter's manuscript. As it read originally it is as follows:

It was pointed out here that he permitted this prisoner to go without handcuffs; but all gentlemen know that if Colonel Hunt or any other Army officer would put handcuffs on a prisoner—

And so forth.

Then I added the words:

While on a train or traveling.

Does that materially change it?

Mr. JOHNSON of Kentucky. Yes.

Mr. LAGUARDIA. Whether I said that at the time or not I do not know, but I stand by the stenographer's minutes. The other change is this, and it was absolutely necessary to qualify it. As it reads in the original copy it is as follows:

After 30 years of service, I think it is not fair, it is unjust, to brand an officer as a traitor because he was guilty of using bad judgment in a case with which he had no personal contact.

Now, that was all right in the argument, and I changed it this way. I struck out "in a case with which" and inserted the words "in the actual desertion he." So that it reads, "And in the actual desertion he had no personal contact with the prisoner at the time."

If that is a material change I am willing to submit to the judgment of my colleagues.

Mr. JOHNSON of Kentucky. That is a material change because the officer about whom we were discussing had had actual contact. This changes the gentleman's statement to that effect.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kentucky to strike out the changes indicated.

The question was taken, and the Chair announced the yeas appeared to have it.

Mr. JOHNSON of Kentucky. I ask for a division.

The House again divided; and there were—yeas 18, noes 30.

Mr. JOHNSON of Kentucky. Mr. Speaker, I want to challenge the vote, and ask for the yeas and nays and make the point of order that there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. Will the gentleman from Ohio withhold his motion a moment?

Mr. JOHNSON of Kentucky. Mr. Speaker, the gentleman from Ohio has been recognized in the midst of a sentence coming from me.

Mr. LONGWORTH. I understood the gentleman from Kentucky to make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Kentucky challenges the vote and makes the point of order that there is no quorum present.

Mr. LONGWORTH. Whereupon the gentleman from Ohio moved that the House do now adjourn.

The SPEAKER pro tempore. The Chair would ask the gentleman from Ohio to withhold his motion.

Mr. LONGWORTH. I would be glad to do so—

Mr. GARNER of Texas. The gentleman from Kentucky must withhold his point of no quorum, otherwise it will be impossible to transact any business.

CONFERENCE REPORT—DEFICIENCY APPROPRIATION BILL.

The SPEAKER pro tempore. The Speaker pro tempore, acting in the dual capacity of the chairman of the Committee on Appropriations and as Presiding Officer, desires to file a conference report. He would like very much to file it.

Mr. JOHNSON of Kentucky. I will withhold it.

Mr. HOWARD of Nebraska. The gentleman from Kentucky might lose some of his rights.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7449) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, and to provide supplementary appropriations.

The SPEAKER pro tempore. Ordered printed under the rule. Mr. JOHNSON of Kentucky. Mr. Speaker, a parliamentary inquiry.

Mr. LONGWORTH. Would the gentleman mind withholding his point of no quorum in order that I might ask unanimous consent to meet at 11 o'clock to-morrow? I ask unanimous consent, Mr. Speaker, that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RUBEY. Mr. Speaker—

Mr. HOWARD of Nebraska. Mr. Speaker, I object.

Mr. JOHNSON of Kentucky. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to ask what the status of this matter will be to-morrow morning?

The SPEAKER pro tempore. It will be the first business in order, as the Chair understands it, to-morrow morning, if the gentleman from Kentucky calls it up.

ADJOURNMENT.

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Friday, March 28, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

418. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting a draft of proposed legislation "To authorize temporary executive disposition in the public interests of the services of officers subject to executive control," was taken from the Speaker's table and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SABATH: Committee on Immigration and Naturalization. H. R. 7995. A bill to limit immigration of aliens into the United States, and for other purposes; minority views, part 2 (Rept. No. 350). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNELL: Committee on Rules. H. Res. 236. A resolution providing for the consideration of H. R. 7995, to limit immigration; without amendment (Rept. No. 381). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. S. 2488. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city; without amendment (Rept. No. 382). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. S. 2112. An act authorizing the Department of Agriculture to issue semi-monthly cotton-crop reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce; without amendment (Rept. No. 384). Referred to the Committee of the Whole House on the state of the Union.

Mr. GARBER: Committee on Indian Affairs. H. R. 6298. A bill to permit the leasing of unallotted lands of Indians for oil and gas purposes for a stated term and as long thereafter as oil or gas is found in paying quantities, and for other purposes; with an amendment (Rept. No. 386). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM of Pennsylvania: Committee on the Judiciary. H. R. 4445. A bill to amend section 115 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; with an amendment (Rept. No. 385). Referred to the House Calendar.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 6490. A bill for the relief of dispossessed allotted Indians of the Nisqually Reservation, Wash.; without amendment (Rept. No. 387). Referred to the Committee of the Whole House on the state of the Union.

Mr. YATES: Committee on the Judiciary. H. R. 644. A bill providing for the holding of the United States district and circuit courts at Poteau, Okla.; with an amendment (Rept. No. 388). Referred to the House Calendar.

Mr. DYER: Committee on the Judiciary. H. R. 4168. A bill to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of

freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stat. L. p. 670); with amendments (Rept. No. 389). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FREDERICKS: Committee on Claims. H. R. 6012. A bill to confer jurisdiction upon the Court of Claims to ascertain the cost to the Southern Pacific Co., a corporation, and the amounts expended by it from December 1, 1906, to November 30, 1907, in closing and controlling the break in the Colorado River, and to render judgment therefor, as herein provided; with amendments (Rept. No. 383). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 8262) to fix the compensation of officers and employees of the legislative branch of the Government; to the Special Committee to Consider the Adjustment of Salaries of Officers and Employees of the Legislative Branch.

By Mr. BURTNESS: A bill (H. R. 8263) to authorize the accounting officers of the Treasury to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their ranks for services performed prior to the approval of their bonds; to the Committee on Naval Affairs.

By Mr. PRALL: A bill (H. R. 8264) to authorize the cession to the city of New York of land on the northerly side of New Dorp Lane in exchange for permission to connect Miller Field with the said city's public sewer system; to the Committee on Military Affairs.

By Mr. TILLMAN: A bill (H. R. 8265) to establish the Peel National Park at the Pea Ridge battle field in Benton County, Ark.; to the Committee on the Public Lands.

By Mr. YATES: A bill (H. R. 8266) for the erection of a public building at Springfield, Ill., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. HUDSPETH: A bill (H. R. 8267) for the purchase of land adjoining Fort Bliss, Tex.; to the Committee on Military Affairs.

By Mr. KIESS: Resolution (H. Res. 237) authorizing the printing of the annual report of the Governor of Porto Rico; to the Committee on Printing.

Also, resolution (H. Res. 238) authorizing the printing of the report of the Governor General of the Philippine Islands; to the Committee on Printing.

By Mr. McFADDEN: Resolution (H. Res. 239) authorizing the select committee appointed under House Resolution 231 to employ stenographic and other assistance, and for other purposes; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 8268) granting a pension to Huston Tate; to the Committee on Pensions.

By Mr. DICKINSON of Iowa: A bill (H. R. 8269) for the relief of Howard A. Mount; to the Committee on Claims.

By Mr. FROTHINGHAM: A bill (H. R. 8270) for the relief of the owner of the schooner *Itasca* and her master and crew; to the Committee on Claims.

By Mr. HARDY: A bill (H. R. 8271) granting an increase of pension to Mary W. McGuire; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 8272) for the relief of John Hyatt; to the Committee on Claims.

By Mr. MORTON D. HULL (by request): A bill (H. R. 8273) for the relief of the estate of John C. Phillips, deceased; to the Committee on War Claims.

Also (by request), a bill (H. R. 8274) granting a pension to Annie Kerwin Doherty; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 8275) granting an increase of pension to Rhoda Hart; to the Committee on Invalid Pensions.

By Mrs. NOLAN: A bill (H. R. 8276) granting a pension to Thomas B. Hanoum; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 8277) granting a pension to George A. Hoover; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 8278) for the relief of Margaret B. Stover; to the Committee on Claims.

By Mr. SANDERS of Indiana: A bill (H. R. 8279) granting a pension to Dr. Ernest Cooper; to the Committee on Pensions.

By Mr. SMITH: A bill (H. R. 8280) for the relief of Charles W. Mead; to the Committee on Claims.

By Mr. VESTAL: A bill (H. R. 8281) granting a pension to Orominah Bates; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2043. By the SPEAKER (by request): Petition of officers and members of Court Independence, No. 123, Foresters of America, urging Congress to give favorable consideration to the Edge-Kelly bill; to the Committee on the Post Office and Post Roads.

2044. Also (by request), petition of the executive committee of the conference of attorneys general, urging that sufficient money be appropriated by Congress to enable the Federal Trade Commission to prevent unfair trade practices in the production, manufacture, and distribution of gasoline; to the Committee on Interstate and Foreign Commerce.

2045. By Mr. DALLINGER: Petition of American citizens of Polish birth of Cambridge, Mass., in opposition to the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2046. By Mr. HUDSPETH: Petition of El Paso Lodge, No. 509, I. O. B. B., in opposition to Johnson immigration bill; to the Committee on Immigration and Naturalization.

2047. By Mr. GALLIVAN: Petition of Boston League of Catholic Women, Mrs. Frances E. Slattery, president, opposing the equal rights amendment to the Federal Constitution proposed by the National Women's Party; to the Committee on the Judiciary.

2048. Also, petition of Lieut. H. L. McCorkle Camp, No. 2, the United Spanish War Veterans, Soldiers' Home, Tenn., recommending early and favorable consideration of House bill 5934; to the Committee on Pensions.

2049. By Mr. KELLER: Petition of Chapter No. 2, Disabled American Veterans of the World War, protesting against certain recommendations of the Senate committee which investigated the Veterans' Bureau; to the Committee on World War Veterans' Legislation.

2050. By Mr. KETCHAM: Petition of Harry Keilm and 23 citizens of Niles, Mich., urging that all strictly military supplies be manufactured in the Government-owned navy yards and arsenals; to the Committee on Naval Affairs.

2051. By Mr. KIESS: Petitions of citizens of Clinton County, Pa., favoring the passage of restrictive immigration bill; to the Committee on Immigration and Naturalization.

2052. By Mr. MICHAELSON: Petition of Elkhart Branch, Railway Mail Association, Chicago, Ill., favoring an increase of salaries for postal employees; to the Committee on the Post Office and Post Roads.

2053. By Mr. MILLER of Washington: Petition of the Seattle Chamber of Commerce, urging the United States Senate and House of Representatives to maintain the Navy at the full strength and effectiveness allowed under the treaty and the recommendations made by the naval commissions be enacted into law; to the Committee on Naval Affairs.

2054. By Mr. SCHALL: Petition of E. H. Sund, secretary of the Business and Professional Men's Association of Minneapolis, Minn., indorsing Philippine independence; to the Committee on Insular Affairs.

2055. Also, petition of George A. Thompson, secretary of the Conopus Club, of Minneapolis, Minn., indorsing Army appropriations bill for training of Organized Reserves and maintenance of the reserve headquarters; to the Committee on Military Affairs.

2056. Also, petition of R. E. Leonard, secretary of the Rotary Club of St. Paul, Minn., indorsing national defense act; to the Committee on Military Affairs.

2057. By Mr. SITES: Petition of citizens of the State of Pennsylvania, urging the enactment into law of legislation similar or identical with the Brookhart-Hull bill (S. 742 and H. R. 2702), requiring that all strictly military supplies be manufactured in the Government-owned navy yards and arsenals and providing for the stabilizing of production and employment in Government industrial establishments by the use of these plants for the manufacture of articles required by

other departments of the Government; to the Committee on Naval Affairs.

2058. By Mr. SMITH: Petition of ladies of Shakespearean Club of Coeur d'Alene, Idaho, against legislation legalizing 2.75 per cent beer; to the Committee on the Judiciary.

2059. By Mr. STRONG of Pennsylvania: Petition of Slate Lick Council, No. 337, Fraternal Patriotic Americans, in favor of further restricting immigration; to the Committee on Immigration and Naturalization.

2060. By Mr. TAGUE: Petition of Bay State Division, No. 413, Order of Railway Conductors of America, favoring enactment of Senate bill 1557 and House bill 3674, to determine military status of Russian Railway Service Corps during World War; to the Committee on Military Affairs.

2061. By Mr. YOUNG: Petition of Alex. Neff and other citizens of Arena, N. Dak., and Godfrey Berg and other citizens of Alexander, N. Dak., urging the passage of the Norris-Sinclair bill; to the Committee on Agriculture.

2062. Also, petition of 32 citizens of Kensal, N. Dak., and O. J. Nygaard and other citizens of Woodworth, N. Dak., urging the passage of the McNary-Haugen bill; to the Committee on Agriculture.

SENATE.

FRIDAY, March 28, 1924.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O Lord, our Lord, Thou art indeed a good and gracious God in Thy dealings with us; Thou art so patient and loving and always ready to help us in times of need. Give us strength in our weakness, wisdom in our folly, direction in the right path of duty. Lead us ever onward in the straight and narrow way, under the guidance of Thy Spirit. Be very near to us to-day. Help us, we beseech of Thee, to understand Thy will and be glad to do it, so that when the shadows of evening gather about us we may be able to say we have walked with God in the line of duty this day. We ask in Jesus' name. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Bayard	Fess	King	Robinson
Borah	Fletcher	Ladd	Shappard
Brandagee	Frazier	Lodge	Shortridge
Broussard	George	McKellar	Smith
Bruce	Gerry	McKinley	Smoot
Bursum	Glass	McLean	Stanfield
Cameron	Gooding	McNary	Stephens
Capper	Hale	Mayfield	Swanson
Caraway	Harrell	Neely	Trammell
Cole	Harris	Norris	Wadsworth
Copeland	Harrison	Odde	Walsh, Mass.
Conzens	Heflin	Overman	Walsh, Mont.
Cummins	Howell	Pepper	Warren
Curtis	Johnson, Minn.	Pittman	Watson
Dale	Jones, N. Mex.	Ralston	Weller
Dill	Jones, Wash.	Ransdell	Wills
Ferris	Kendrick	Reed, Mo.	
	Keyes	Reed, Pa.	

Mr. CURTIS. I wish to announce that the Senator from Iowa [Mr. BROOKHART], the Senator from Arizona [Mr. ASHBURST], and the Senator from Montana [Mr. WHEELER] are attending hearings before a special investigating committee of the Senate.

I was also requested to announce the absence of the junior Senator from Wisconsin [Mr. LENROOF] on account of illness.

Mr. MCKELLAR. I desire to announce the absence of my colleague [Mr. SHIELDS] on account of illness. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Seventy Senators have answered to their names. There is a quorum present.

"DANGER IN NATIONAL CONTROL OF EDUCATION."

Mr. RANDELL. Mr. President, I ask to have printed in the RECORD a very interesting and able editorial in the Baltimore Manufacturers Record, of the 20th instant, entitled "Danger in national control of education."